

RULES OF THE HOUSE OF REPRESENTATIVES.

WITH NOTES AND ANNOTATIONS.

RULE I.

Duties and Rights of the Speaker.

1. The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at its last sitting, but if no hour was fixed at such sitting, then at 1 o'clock p. m., and immediately call the members to order and ascertain the presence of a quorum by a roll call of the members of the House.

2. He shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries or in the lobby, may cause the same to be cleared.

3. He shall have general control, except as provided by law, of the Hall of the House and its lobby and galleries and the corridors and passages and unappropriated rooms in that part of the Capitol assigned to the use of the House.

4. He shall lay before the House its business in the order indicated by the rules, and shall receive propositions made by members, and put them to the House, and shall enforce the rules of the House and the legislative rules prescribed in the Constitution.

5. He shall rise to put a question, but may state it sitting; and he shall put questions distinctly in this form, to wit: "As many as are in favor (as the question may be) say 'aye,'" and after the affirmative vote is expressed, "As many as are opposed say 'no.'" If the Speaker be in doubt as to the result, or if a division be called for, the House shall divide; those in the affirmative on the question shall rise from their seats and remain standing until the Clerk has numbered (counted) them and the number has been announced by the Speaker; those who vote in the negative are then requested to rise, and they are numbered (counted) and the number announced. The yeas and nays may be called for before the decision of the Speaker is announced.

6. He shall not be required to vote in ordinary legislative

proceedings except where his vote would be decisive, or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

In the National House of Representatives, the Speaker has exercised the duty of giving a decisive vote after the intervention of other business, and even on another day, when a correction in a roll made his vote decisive.

7. He shall decide all questions of order, subject to an appeal to the House made by any ten or more members, on which appeal no member shall speak more than once, unless by leave of the House. It shall only require a majority of the House to overrule the decision of the Speaker; and pending an appeal no motion shall be in order except to adjourn, to lay on the table, for the previous question, and the call of the House.

In the practice in Congress the Speaker may require that a question of order be presented in writing. He is not required to decide a question not directly presented by the proceedings. Debate being for his information, is within his discretion. Questions arising during a division are decided peremptorily, and, when they arise out of any other question, must be decided before that question. He does not decide on the legislative effect of propositions, or on the consistency of proposed action with other acts of the House, or on the constitutional powers of the House, or on the propriety or expediency of a proposed course of action.

The Speaker may submit a point of order relating to the constitutionality of a proposition, or any other point of order on which he does not wish to rule, direct to the House for its decision.

The right of appeal cannot be taken away from the House; but appeals may not be entertained from a response to parliamentary inquiries, on a question of recognition, or on decisions as to dilatory motions. Appeals on questions as to the priority of business must be decided without debate.

A member called to the chair pending an appeal cannot entertain or decide any other point of order until the appeal has first been determined by the House, and no business whatever shall be transacted pending the appeal except that which is named in the above rule, which is itself subsidiary to the decision of the appeal.

While an appeal is pending it is not in order to appeal from the ruling of a member called to the chair pending the decision of the appeal.

8. He shall examine, correct and approve the journal of each day's proceedings before the same shall be printed.

9. All committees and the chairmen of the same shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be elected; and if, upon

such vote, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second vote in which a plurality shall prevail; and in case a greater number than that required to compose or complete a committee shall have an equal number of votes, the House shall take another vote.

10. All acts, addresses and joint resolutions shall be signed by the Speaker, as required by the Constitution; and all writs, warrants and subpoenas issued by order of the House shall be under his hand and attested by the Chief Clerk or the Acting Chief Clerk.

Enrolled bills are signed first by the Speaker and then by the Chief Clerk.

11. The Speaker shall have the right to name any member to perform the duties of the Chair; provided, however, that if the House is not in session, the Speaker shall deliver a written order to the Chief Clerk naming the member who shall call the House to order and preside during the absence of the Speaker.

12. All employes of the House shall be appointed and selected by the Speaker, and he shall have the right to discharge any of them.

RULE II.

Election and Compensation of Officers.

All officers of the House shall be elected by ballot, and shall receive such compensation as the House may determine, and, after their salary has been fixed, no further or extra compensation whatsoever shall be allowed them. No officer or other employe of the House shall be permitted to receive, directly or indirectly, whether as a gift or otherwise, any compensation from any person whatsoever other than his regular salary from the House.

Since no rule may be imposed by any Legislature on any future Legislature, this rule and the last section of Rule I are not operative at organization except in so far as their provisions are contained in resolutions providing for employes of the House and for completing the organization of the House.

RULE III.**Duties of the Sergeant-at-Arms.**

1. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings, and to maintain order under the direction of the Speaker or Chairman, and, pending the election of a Speaker Pro Tempore, under the direction of the Chief Clerk.

2. He shall have charge, under the Speaker, of the Hall of the House, its lobby and galleries, and all other rooms in the Capitol assigned to the use of the House, and shall keep the same in order.

3. He shall execute the commands of the House from time to time, and all writs and process issued by authority thereof, directed to him by the Speaker.

4. He shall procure and keep for the use of the members and officers of the House such stationery and other supplies as may be ordered by the House or Committee on Contingent Expenses, and he shall keep an itemized account of the quantities of every kind received, the date and price paid therefor, and the persons from whom it was received and to whom it was delivered for use, with the date and quantities of each delivery. The unused remainder, if any, he shall deliver at the close of the session to the Secretary of State for safe keeping. He shall keep his office open daily, except Sunday, until one hour after the adjournment of the House, and on Sunday from 9 a. m. to 10 a. m.

5. The Assistant Sergeant-at-Arms, if any, shall assist the Sergeant-at-Arms in the performance of his duties, and, subject to his control and that of the Speaker, shall have the same power.

The Sergeant-at-Arms shall each day report to the Speaker the number of and the time of the receipt of all bills or resolutions from the public printer. By number, is meant the serial number and not the number of the copies printed.

RULE IV.**Duties of the Clerks.**

1. The Chief Clerk shall have general charge and supervision, under the direction of the Speaker, over the secretarial work of the House, and, pending the election of a Speaker

Pro Tempore, he shall call the House to order, preserve order and decorum, and decide all questions of order, subject to appeal of the House. He shall attest all writs, warrants and subpoenas issued by order of the House, and shall certify to the passage of bills and joint resolutions, noting at the foot thereof, the date of its passage and the vote by which it passed, if by yea and nay vote. In addition to his other duties, the Chief Clerk shall issue all warrants and vouchers of whatever character, and keep an accurate account with all members and employes of the House.

This Rule does not apply to warrants or vouchers issued by the Committee on Contingent Expenses.

All messages from the House to the Senate are transmitted by the Chief Clerk. It is his duty to number in their order of filing all bills and joint and concurrent resolutions filed with the House.

All petitions presented by members of the House are filed with the Chief Clerk, and by him are referred to the committee considering the question to which they relate.

2. The Calendar Clerk shall keep the calendars of the House so as to show the action had on, and present status of, all bills and resolutions, and shall have charge of their printing, when authorized by the rules or by vote of the House. He shall keep an exact record of the times of delivery to the printer of bills and of the return of the printed bills, and shall see to it that all bills are printed in the order of their delivery to the printer. He shall remain at his desk daily (except Sundays) from 8 a. m. to 12 m. and from 1 to 6 p. m., and from 7:30 p. m. until 9 o'clock p. m., and at such other hours as the House or committees may be in session. He shall also have charge of all petitions, memorials, etc., referred to the committees, and when such matters have been returned, he shall carefully keep the same for preservation in the archives of the Legislature.

3. The Calendar Clerk shall keep a register in a well-bound book in which he will carefully record the order in which all bills and resolutions are delivered to the public printer and the order in which they are returned to the Clerk. This register shall be open to the inspection of the members of the House at all reasonable hours.

4. The Journal Clerk shall keep a journal of the proceedings of the House, in which such proceedings, when not acting in Committee of the Whole, shall be entered as concisely and

accurately as possible. In this journal there shall be entered the number and caption of every bill introduced. All simple and concurrent resolutions, motions, committee reports and amendments, and all questions of order, with the decisions thereon, and messages from the Governor and Senate, shall be entered in full.

Minority reports and full reports are printed with the bill or resolution to which they relate, and are rarely printed in the Journal. Senate amendments which are laid before the House for concurrence, etc., are also usually omitted from the Journal, unless they are ordered printed in it by the House.

Every vote of the House shall also be entered on the Journal, with a concise statement of the question and of the result.

Pairs are entered on the Journal as a part of the vote.

Reasons for votes on a yea and nay vote may be filed with the Journal Clerk for publication in the Journal.

Motions not entertained and resolutions and amendments held out of order when no question of order has been raised are not required to be printed in the Journal.

The Journal, as made up each day, shall be submitted to the Speaker for his examination, correction and approval, and when approved by him, shall be printed under the supervision of the Journal Clerk and copies thereof laid upon the desk of each member on the succeeding day; but it need not be read unless upon motion therefor by a majority vote.

5. The Engrossing Clerk shall write out, in a fair, legible hand, or with a typewriter, without erasures, interlineations or additions in the margin, all bills and joint resolutions that have passed their second reading and have been ordered to be engrossed. He shall submit his work to the Committee on Engrossed Bills before the same is returned to the House, for their examination, correction and approval, and he shall perform such other clerical work for the House or its committees as he may be assigned to by the Speaker.

This rule applies only to House bills.

An engrossed copy of a bill shows it as amended on second reading. If the engrossed bill is amended on third reading, copies of these amendments accompany the engrossed copy of the bill to the Senate as "engrossed riders."

6. The Enrolling Clerk shall enroll all House bills, joint resolutions and such House concurrent resolutions as are required to be presented to the Governor, that have passed both

Houses, typewriting them without erasures, interlineations or additions in the margin; and after they have been examined by the Committee on Enrolled Bills and found truly enrolled, they shall be immediately copied in a letter press copy book by the Enrolling Clerk, in the presence of the Committee on Enrolled Bills, and they shall then be reported to the House for the signature of the Speaker and then transmitted to the Senate.

Each House enrolls its own bills and resolutions. All concurrent resolutions except those relating to adjournment are required to be enrolled and presented to the Governor for his approval.

7. The Reading Clerk and his assistant, if any, shall call all rolls of the House in the alphabetical order of the names of the members, and shall read aloud all bills, resolutions, motions and other written matter required by the rules or directed by the Speaker to be read. They shall remain standing while reading or calling the roll. In the event of the absence, resignation or death of the Chief Clerk, the Reading Clerk shall take charge of and attend to all the duties of the office until the Chief Clerk returns or his successor is elected.

The Reading Clerk is charged with the important duty of recording the votes of the members on all yea and nay votes and of counting the votes to ascertain the results.

8. Any clerk, employe or officer of the House, other than the Speaker, who shall, directly or indirectly, attempt to influence any member of the House in favor of or against any measure pending before the House, or use his official position in aiding anyone lobbying in respect to any measure or question pending before the House, shall be subject to discharge by the House on account of such misconduct. This section shall not apply when such persons are answering questions or giving information at the request of any member of the House; provided, further, that any standing committee of the House, by a majority vote of the members present, may grant any clerk, officer or employe the right to appear before such committee and make known his views on any measure pending before such committee.

9. All clerks and stenographers shall report daily, except Sundays, from 8:30 a. m. to 12 m. and from 1 to 5:30 p. m. and at such other hours as the House or the committee to which they have been assigned may be in session, or as

they may be directed by the Speaker, or by a person appointed by the Speaker in charge of said clerks and stenographers, to be known as the chief stenographer. A daily record of the arrivals and departures of the clerks and stenographers shall be kept by the chief stenographer.

RULE V.

Duties of the Doorkeeper.

The Doorkeeper shall enforce strictly the rules relating to the privileges of the Hall, and when the House is under call, shall permit no member to leave the Hall without written permission from the Speaker. Five minutes before the hour of the meeting of the House each day he shall see that the floor is cleared of all persons except those privileged to remain.

See Section 1, Rule XXVII, for list of persons entitled to privileges of floor when House is in session; and this rule may not be suspended.

RULE VI.

Duties of the Chaplain.

The Chaplain shall attend the commencement of each day's sitting of the House and open the same with prayer.

"Each day" as used in this rule means each legislative day. The first item under the daily order of business is prayer by the Chaplain (See Rule XXI), and it should not under any circumstances be displaced by any proposition whatever. In the Thirty-fifth Legislature by resolution the House ordered each day's prayer printed in the Journal.

RULE VII.

Of Committees.

Unless otherwise ordered by the House, the Speaker shall appoint the following committees, consisting of the number designated, and all proposed legislation shall be referred by the Speaker, subject to correction of such reference by a majority vote of the House, to the appropriate committee named in this rule:

1. The Committee on Rules, consisting of five members, shall have jurisdiction over the Rules of the House, the Joint Rules and all amendments proposed to either, and shall be specially charged with the duty of assisting in expediting the business of the House.

2. Judiciary, twenty-five members, with jurisdiction over all matters of civil law, rights, duties, remedies and procedure not assigned to other committees.

3. Criminal Jurisprudence, nineteen members, with jurisdiction over all matters of criminal law not assigned to other committees.

4. Appropriation, twenty-one members, with jurisdiction over all bills appropriating moneys out of the State Treasury for the maintenance of the State government, its departments, institutions, etc.

5. Revenue and Taxation, twenty-one members, with jurisdiction over all bills levying taxes or regulating the manner of their collection.

6. State Affairs, seventeen members, with jurisdiction over questions of State policy, regulation and administration, the organization and management of the State government and its departments, and the compensation and duties of its officers, except those assigned to other committees.

7. Constitutional Amendments, twenty-one members, with jurisdiction over all proposed amendments to the State Constitution.

8. Education, twenty-one members, with jurisdiction over all matters relating to education and the public schools and colleges of the State.

9. Public Lands and Land Office, twenty-one members, with jurisdiction over all matters relating to the public school and asylum lands of the State and the organization and management of the General Land Office, and the compensation and duties of its employes.

10. Penitentiaries, twenty-one members, with jurisdiction over all matters relating to the penal institutions of the State and to State and county convicts.

11. State Asylums, twenty-one members, with jurisdiction over all matters relating to the insane, blind and deaf and dumb asylums and other State eleemosynary institutions.

12. Public Debt, fifteen members, with jurisdiction over all matters relating to the funding, refunding and payment of the public debt of the State.

13. Military Affairs, eleven members, with jurisdiction over all matters relating to the State Volunteer Guard, the State Rangers and the Adjutant General's Department.

14. Public Health, thirteen members, with jurisdiction over all matters relating to the Public Health Department of the State, to State and county quarantine, and to the practice of medicine, surgery and dentistry and pharmacy.

15. Public Buildings and Grounds, thirteen members, with jurisdiction over all matters relating to the construction, maintenance and arrangement of State buildings, and the care and beautifying of the grounds, cemeteries and parks belonging to the State.

16. Public Printing, nine members, with jurisdiction over all matters relating to printing done for and stationery furnished the State, its departments and institutions.

17. Claims and Accounts, nine members, with exclusive jurisdiction over all claims against the State.

18. Examination of Comptroller's and Treasurer's Accounts, nine members, whose duty it shall be to examine the accounts mentioned and report their findings.

19. Federal Relations, eleven members, with jurisdiction over all matters involving the relations between the State and Federal governments.

20. Privileges, Suffrage and Elections, seventeen members, with jurisdiction over all questions affecting the privileges of the whole House and of the members over contested elections to the House, and all matters relating to suffrage, and to general, special and primary elections.

21. The Committee on Contingent Expenses shall be composed of five members, with full control over the expenditures of the House out of the contingent fund; and it is expressly provided that no claim or bills against the House shall be paid out of the contingent fund, unless the same shall have been previously authorized, and a bill therefor subsequently approved by the Committee on Contingent Expenses, or unless otherwise provided by a vote of the House. The Committee on Contingent Expenses shall have assigned to it a committee clerk who is a bookkeeper and a stenographer and who shall, under the direction of the committee, keep an itemized ac-

count of all the supplies and merchandise of whatsoever kind or description, or other expenditures authorized by the committee, from whom ordered, and the price paid therefor. This statement shall at all times be open to the inspection of any member of the House, and the minutes of the meetings shall be kept in a well-bound book, and at the close of the session of the Legislature shall be delivered by the Chairman of the Committee on Contingent Expenses to the Secretary of State, with the request that it be preserved in the archives of his office.

The Committee on Contingent Expenses shall not approve or pay the public printer for printing any bill or resolution ordered printed by the House or printed under the rules of the House, unless each account or statement rendered to the House is accompanied by an affidavit from the public printer and the foreman in his office that each and every bill or resolution was printed in the order in which it was received from the Calendar Clerk; said affidavit shall also show that no compensation, either as a gift, loan or otherwise, has been received or promised by any person or corporation whatsoever, for the printing of said bills except the amount to be paid by the State.

22. Enrolled Bills, five members, whose duty it shall be to examine all bills and resolutions enrolled in the House and, when properly enrolled, to report thereon, and attend to the signing of same, and then their delivery to the Governor. They shall also examine enrolled bills and resolutions from the Senate, verify the insertion therein of House amendments, if any, and report thereon.

23. Engrossed Bills, five members, whose duty it shall be to examine all bills and resolutions engrossed in the House, verify the insertion of amendments, if any, and, when properly engrossed, to report thereon.

24. Judicial Districts, fifteen members, with jurisdiction over all bills creating, changing or otherwise affecting the judicial districts and supreme judicial districts of the State.

25. Counties, fifteen members, with jurisdiction over all matters pertaining to counties, their creation, boundaries, organization, government and finances, and the compensation and duties of their officers.

26. Roads, Bridges and Ferries, fifteen members, with jurisdiction over all matters relating to the establishment and maintenance of roads, bridges and ferries, the payment therefor, and the appointment, compensation, powers and duties of officers, employes and workmen in connection therewith.

27. Municipal Corporations, nineteen members, with jurisdiction over all matters relating to cities and towns, their government, finances and officers.

28. Common Carriers, twenty-one members, with jurisdiction over all matters relating to railroads, street and inter-urban railroads, steamship companies, express companies, telegraph and telephone companies and to the Railroad Commission.

29. Private Corporations, seventeen members, with jurisdiction over all matters relating to the organization, incorporation, management, regulation, etc., of private corporations generally, except those specially assigned to some other committee.

30. Insurance, twenty-one members, with jurisdiction over all matters relating to insurance, fidelity, casualty, guaranty and surety companies, including their organization, incorporation, management, powers, regulations, etc.

31. Agriculture, twenty-one members, with jurisdiction over all matters relative to agriculture, horticulture and husbandry.

32. Stock and Stock Raising, seventeen members, with jurisdiction over all matters relating to said industry.

33. Commerce and Manufactures, seventeen members, with jurisdiction over all matters relating to commerce, trade and manufactures.

34. Mines and Mining, thirteen members, with jurisdiction over all matters relating to the subject.

35. Irrigation, nineteen members, with jurisdiction over all matters relating to the taking, storing, control and use of waters for irrigation; the incorporation, management, powers, etc., of irrigation companies and the drainage of lands.

36. Forestry, nine members, with jurisdiction over all

matters relating to the planting, care and preservation of forests, and the regulation and promotion of the lumber industry.

37. Game and Fisheries, seventeen members, with jurisdiction over all matters relating to the preservation and propagation of game within the State, and to the regulation and promotion of the fish and oyster industries on the coast and inland waters.

38. Labor, twenty-one members, with jurisdiction over all matters relating to the welfare and improvement of the condition of all classes of wage earners.

39. Banks and Banking, nineteen members, with jurisdiction over all matters pertaining to the banking business.

40. Liquor Traffic, twenty-one members, with jurisdiction over all matters relating to the sale and regulation of the sale of intoxicating liquors, including local option.

41. Reforms in Civil Procedure, twenty-one members, with jurisdiction over all matters relating to civil procedure in the courts of this State.

42. Internal Improvements, thirteen members, with jurisdiction over all matters relating to the improvements of rivers, harbors and flooded districts.

43. Supreme Judicial Districts, nine members, with jurisdiction over all matters relating to the creation or changing of supreme judicial districts and the organization or creation of such districts and all Courts of Civil Appeals.

44. Congressional Districts, twenty-one members, with jurisdiction over all matters relating to the apportionment of the State into congressional districts.

45. Senatorial Districts, nineteen members, with jurisdiction over all matters relating to the apportionment of the State into senatorial districts.

46. Reforms in Criminal Procedure, twenty-one members, with jurisdiction over all matters relative to criminal procedure in the courts of this State.

47. Juvenile Reforms, to be composed of thirteen members, which shall have jurisdiction over all laws governing juveniles

and the establishment and conduct of reformatories and training schools for juveniles.

No addition shall be made to any committee after it has been formed, except upon suggestion of the Speaker and by a majority of the House.

The Speaker appoints all select and conference committees which the House may order from time to time.

RULE VIII.

Organization, Powers and Duties of Committees.

1. As soon as practicable after their appointment, it shall be the duty of the chairman or the chairman pro tem. (to wit, the first named member after the chairman) of the different committees to notify the Speaker, in writing, of the time fixed for the meeting of their respective committees, which information the Speaker shall cause to be posted in a conspicuous place in the Hall as soon as practicable.

As a matter of fact, few committee meetings have been held on any regular schedule; most of them are had on the call of the chairman and the announcement of the time and place thereof under his direction by the Reading Clerk, and posted on blackboard in the Hall.

2. If, after due notification, the members of any committee fail to meet at the time and place designated, and it shall be evidenced that such absentees are wilfully absent for the purpose of impeding the action of the committee, the chairman shall report such matter to the House, and such committeemen shall be subject to reprimand, or removal from such committee, as a majority of the members present shall decide.

3. No committees shall sit during the time the House is in session without special leave first being granted.

4. A majority of a committee shall constitute a quorum for business, and no report shall be made to the House unless ordered by a majority of such quorum in committee assembled. All committee reports shall be in writing and in two parts: (1) The formal report, which shall be inserted in the Journal, must be signed by the chairman or chairman pro tem., and addressed to the Speaker, and shall contain a brief statement that the measure, described by number only, has been under consideration by the committee, at a session thereof; that the committee has recommended that it do or do not pass,

or be adopted, or pass or be adopted with amendments, as the case may be, and that a member of the committee, naming him, has been authorized to make a full report thereon to the House, and (2) the full report signed by the member so authorized which shall be printed with the measure reported, or if that be not printed, shall be inserted in the Journal, and which shall contain a brief statement of the nature of the measure, the change it makes in existing law, the object of such change, the reasons for it, and, if desired, the reasons advanced against it and a reply to such reasons, and the amendments recommended by the committee to the measure, if any, with a similar brief statement in relation to these amendments. The views of the minority may be submitted in writing by any member of the committee, and shall be printed with the full report of the committee.

In making full report do not quote the caption of the bill, the number of the bill alone will answer. Full reports are printed with the bills which show the full caption.

Full reports are never printed in the Journal except when the measure reported is not printed and a copy of the full report is furnished the Journal Clerk for that purpose.

5. Bills, resolutions and other papers referred to committees shall be taken up and acted upon by the committee in the order in which they were referred and shall be reported back to the House within six days from the date of their respective reference. If any committee shall fail or refuse to report the bill, resolution or other paper referred to it within six days, a motion shall be in order to give the committee additional time, which motion must receive a two-thirds vote of the House before it shall be carried. If a bill is not reported, and the time is not granted as herein set forth, the Speaker shall instruct the committee that the House desires an immediate report upon the bill or measure pending, and it shall be the duty of the committee to immediately consider and report the bill back to the House.

6. The reports of standing and select committees shall be filed with the Chief Clerk and printed in the Journal.

Standing committee reports are always made in duplicate; one report is for publication in the Journal; the other accompanies the original bill. Special or select committee reports are usually submitted by the chairman of the committees from the floor and are printed in the Journal.

Special or select committee reports are usually held to be privileged matter.

7. It shall be the duty of the chairmen of the several committees to see that the originals of all bills, resolutions, memorials and such other documents referred to them are returned to the House, with the final report upon the matter to which they pertain.

8. The Committee on Engrossed Bills, in addition to their duties as such, are also the Committee on Style, and it shall be their duty to see that all bills passed by the House are correct in style, orthography, punctuation and in whatever else it is within the province of the committee to correct.

9. It shall be in order for the Committee on Engrossed Bills, Enrolled Bills and the Committee on Rules to report at any time.

10. Reports of committees are advisory only. When the report is made, the proposition, bill or resolution recommended or reported back shall be before the House for its consideration without action upon the report.

Reports of investigating committees and of certain other select committees very often do not make any recommendation on any particular bill or resolution, and when such is the case, action recurs directly on the report itself after it has been read to the House.

11. No floor report shall be made by any committee except on road bills and school district bills; provided, however, that if any citizen of those districts desire to be heard before the committee, and the bill is brought out on a floor report, it shall be recommitted by order of the Speaker upon receiving proper notification in writing of their desire to be heard by any citizens of the district affected.

12. The Rules governing the proceedings of the House shall apply to the proceedings in the committees in so far as same are applicable.

Section 12 of Rule VIII was added by the Thirty-fourth Legislature. Its most far-reaching effect lies in the fact that a motion to table and a motion for the previous question, heretofore not allowed in committees, can now be made for the purpose of cutting off discussion on measures being considered in committees.

RULE IX.

Questions of Privilege.

Questions of privilege shall be: First, those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings; second, the rights, reputation and conduct of members individually in their representative capacity only, and shall have precedence of all other questions, except motions to adjourn. When in order, a member may address himself to a question of privilege from his seat, or at any time he may print it in the Journal, provided it contains no reflection upon any member of the House.

This is an exact copy of Rule IX of the National House of Representatives, which is fully annotated in the Congressional House Manual and Digest.

RULE X.

Decorum and Debate.

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personalities.

There is no appeal from the Speaker's recognition; but he is governed by rules and usage in priority of entertaining motions from the floor; and for this reason he may ask, when a member seeks recognition, "For what purpose does the gentleman rise?" or "For what purpose does the gentleman from —— seek recognition?"

When a certain bill is before the House, he must first recognize, for motions for its disposition, the member who represents the committee or the person who has charge of the bill. Usually the chairman of the committee has charge of the bill, unless he yields to the author or the chairman is opposed to the bill, and he is entitled at all stages to prior recognition for motions that are in order which are intended to expedite the passage of the bill. Where a proposition is brought directly before the House, the mover is entitled to prior recognition for motions and debate.

It is not in order for any member, by offering a debatable motion of higher privilege than the pending motion to take a member off the floor, but when the mover of the pending motion has yielded the floor a motion of a higher privilege may be made. The fact that a member has the floor on one matter does not entitle him to prior recognition. When an essential motion made by a member in charge of the bill is defeated, his prior right to recognition passes to the member leading the opposition to the motion. But the mere defeat of an

amendment proposed by the member in charge does not cause recognition to pass to the opponent.

In recognition for general debate, the Speaker's rule is to alternate between those favoring and those opposing a measure.

It is a general parliamentary rule that there must be something before the House before a member may proceed in debate, and this something must be a definite debatable proposition, and may be required to be in writing. A withdrawal of the proposition prohibits further debate on the same. But sometimes, when a report, or a message from the Governor, for instance, has been before the House, it has been debated upon before any specific motion was made in relation thereto. Before debate begins, the motion or proposition must be stated by the Speaker or read by the Clerk.

A member who desires to speak should address the Chair, and, having obtained recognition, may proceed if he does so in an orderly and parliamentary way—i. e., avoiding personalities—until he consumes his time, which, under the rules, is ten minutes, which may be extended by motion to twenty minutes, and after that he can speak only by unanimous consent, unless he is the mover of a proposition or has the bill or measure under consideration in charge. Then, on motions to table or under the previous question, he has twenty minutes in which to discuss the proposition. The time limit of ten minutes does not apply to appropriations. According to the rules, a member may speak fifteen minutes only on appropriations.

The rule which should be adhered to is that, when speaking, a member must confine himself to the subject under debate. In discussing an amendment, the debate must be confined to the amendment and not include the general merits of the bill or other proposition unless it be an amendment to strike out the enacting clause.

2. When two or more members happen to rise at once, the Speaker shall name the one who is first to speak, and his decision shall be final and not open to debate or appeal.

3. The mover of any proposition, or the member reporting any measure from a committee, as the case may be, or, in case of the absence of either of them, then any other member designated by such absentee, shall have the right of opening and closing debate thereon, and for this purpose may speak each time not to exceed twenty minutes.

By the mover of a proposition is meant the mover of the original proposition before the House for consideration. In case of a bill being considered, the member having the bill in charge is the mover of the proposition.

Since an amendment to strike out the enacting clause of a bill if adopted has the effect of killing the bill, it opens for debate the merits of the whole bill; and if the previous question is ordered on the amendment to strike out the enacting clause alone, or on both the amendment and the bill, the author of the bill will have the

right to be recognized to speak to the merits of the bill before the vote is had on the amendment.

A member having the floor may not be taken off his feet by an ordinary motion, even the highly privileged motion to adjourn, unless he shall yield for that purpose. It is the custom of the Speaker to request a member to yield for a message. A member may yield the floor for a motion to adjourn without losing his right to continue when the subject is again continued. A member may also resume his seat while a paper is being read in his time without losing his right to the floor. A member who, having the floor, moved the previous question, was permitted to resume the floor on withdrawing the motion. But a member may not yield to another member to offer an amendment without losing the floor. A member desiring to interrupt another member in debate should address the Chair for permission of the member speaking, but the latter may exercise his own discretion as to whether or not he will yield.

4. No member shall speak more than twice on the same question, without leave of the House, nor more than once until every member choosing to speak shall have spoken; nor shall any member be permitted to consume the time of another member without the consent of the House.

5. If a pending question is not disposed of, owing to an adjournment of the House, no member who has spoken twice on the subject shall be allowed to speak again without leave.

6. All speeches shall be limited to ten minutes in duration except as provided in Section 3 of this rule, and the Speaker shall call the members to order at the expiration of their time; provided, however, that in case the House by a vote extends the time of any member, such time shall not be extended exceeding ten minutes additional without the unanimous consent of the House. Provided, this rule shall not apply to measures carrying an appropriation, in the discussion of which speeches shall be limited to fifteen minutes in duration except as provided in Section 3 of this rule.

7. If any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call him to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if the decision be against him, and the case requires it, he shall be liable to the censure of the House, or such other punishment as the House may deem proper.

8. While the Speaker is putting a question or addressing the House, no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat nor smoke upon the floor of the House.

9. When the reading of a paper is called for, and the same is objected to by any member, the House shall determine whether or not said paper shall be read.

It is a practice long standing in the House that any member is recognized as having a constitutional right to demand the full reading of any bill under consideration, except in case of a bill revising the statutes. (Art. III, Sec. 32, Const.) Such demand, however, should never be made for dilatory tactics.

RULE XI.

Of Voting.

1. Any member who has a personal or private interest in any measure or bill proposed or pending before the House, shall disclose the fact, and shall not vote thereon.

This is a constitutional provision embodied in the Rules of the House, which each member is left to comply with according to his own judgment as to what constitutes a personal or private interest.

VERIFICATION OF VOTE.—During the First Called Session of the Thirty-third Legislature the result of a roll call having been announced, yeas 37, nays 66, Mr. Tarver called for a verification of the vote. Mr. Terrell raised a point of order on the demand for a verification of the vote, on the ground that the Rules do not give a member a right to make such a demand, unless there is a probability that such verification would change the result of the vote. The point of order was sustained. (33d Leg., First Called Sess., p. 360.) The correctness of this ruling is upheld by several congressional precedents and by at least one earlier precedent in the House.

Verification of a yea and nay vote is not provided for by any rule and a member, as a matter of right, may not demand it. But when a vote is close it has been the practice in the National Congress and in the House for the Speaker to order it when requested by any member voting. During such verification no member can change his vote, neither may any member not having voted cast a vote. It would be a dangerous precedent to allow any change in the vote after it had once been announced. And no change should ever be made except in the case of an erroneously recorded vote. (See ruling 30th Called, p. 271.)

2. No member shall be permitted to vote in any case, whether upon division or roll call, when he was not within the bar of the House when the question was put; and if his vote

be challenged on that ground, or if he ask leave to vote, the Speaker shall ask him whether he was within the bar of the House when the question was put; and if he answer in the affirmative, he shall be permitted to vote.

The constitutionality of a rule denying a member the right to vote at any time before a result is announced is very doubtful; so much so that this rule has never been strictly enforced in the House.

3. In order to be entitled to vote, and to be within the bar of the House, a member must be on the floor of the Hall and within the walls enclosing the same, and not outside of any of the doors leading out of the Hall and he must vote from his seat.

4. Every member who is in the House when the question is put shall give his vote, unless the House, for reasons assigned, shall excuse him; and any member who is present and shall fail or refuse to vote, after being requested to do so by the Speaker, shall be recorded as present but not voting, and shall be counted for the purpose of making a quorum.

5. No member shall be allowed to make any explanation of a vote he is about to give, or ask to be excused from voting, after the Clerk, under order of the House, shall have commenced calling the yeas and nays.

Immediately following the roll call on the question on which he desires to explain his vote, a member may submit his reason for a vote to the Journal Clerk to be printed in the Journal.

6. The yeas and nays of the members of the House on any question shall, at the desire of any three members present, be called and entered on the Journal.

This is a constitutional provision (Art. III, Sec. 12), by which the Speaker is bound to recognize the demand of any three members of the House for a roll call on any question to be voted on by the House.

7. While the yeas and nays are being called, or votes are being counted, no member shall visit the Clerk's table or leave his seat.

8. On demand of any member, before the question is put, the question shall be divided, if it includes propositions so distinct in substance that, one being taken away, a substantive proposition remains.

PRACTICE IN THE HOUSE OF REPRESENTATIVES IN CONGRESS AS TO DIVISION OF THE QUESTION.—After the question has been put, it may not be divided, nor after the yeas and nays have been ordered. But it may be demanded after the previous question has been ordered.

It is not in order to demand a division of a related subject; as, when a resolution to adopt a series of rules not made a part of the resolution was before the House, it was held not in order to demand a separate vote on each rule.

In voting on the engrossment or passage of a bill or joint resolution a separate vote on the various portions may not be demanded, or on the preamble of a bill; but on a series of simple resolutions a division may be demanded. When a motion is made to lay several connected propositions on the table, a division is not in order. On a decision of the Speaker involving two distinct questions there may be a division on appeal.

9. All pairs must be announced when the roll is called, and a written statement thereof sent to the Clerk. Such pairs shall be entered on the Journal, and the member present shall be counted to make a quorum.

“Clerk” in this section has reference only to the Journal Clerk.

RULE XII.

Of Motions.

1. Every motion made to the House and entertained by the Speaker shall be reduced to writing on the demand of any member, and shall be entered on the Journal, with the name of the member making it, unless it is withdrawn the same day.

After any action is had on a motion entertained by the Speaker it may not be withdrawn if there is any objection offered to the withdrawal of it.

2. When a motion has been made the Speaker shall state it, or (if it be in writing), cause it to be read aloud by the clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

3. When a question is under debate no motion shall be received but—

- (1) To fix the day on which the House shall adjourn.
- (2) To adjourn.
- (3) To take recess.
- (4) To lay on the table.
- (5) For the previous question.
- (6) To postpone to a day certain.

- (7) To commit.
- (8) To amend.
- (9) To postpone indefinitely.

Which said motions shall have precedence in the above order. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, be considered as equivalent to the rejection of the bill.

A motion to refer is equivalent to a motion to commit, and a motion to refer to a standing committee has precedence of a motion to refer to a select committee. (See Sec. 5, below.)

There are several kinds of motions to amend which motions have precedence in the order named below:

- 1. Amendment to strike out the enacting clause of a bill.
- 2. (Committee) amendments offered from the floor to the body of the bill.
- 3. Other amendments offered from the floor to the body of the bill.
- 4. Amendments to the caption of the bill.

If a bill is considered section by section, an amendment is not in order except to the section under consideration. After all of the sections have been considered separately, the whole bill is open for amendment.

4. A motion to adjourn, except as hereinafter provided in Rule XIII, Section 6, and a motion to fix the day to which the House shall adjourn, shall always be in order.

A motion to adjourn is not in order under three circumstances: first, when a member entitled to the floor is addressing the House, without his consent to yield for the purpose; second, when the main question on a pending question or questions has been ordered and there has been no roll call to show that a quorum of the House is not present; third, when, a quorum being present, no business has been transacted since a motion to adjourn has been lost. The calling of a roll, the reception of a message from the Senate or the address of a member of the House has been held to be the transaction of business.

A motion to adjourn was voted down, and two others were immediately made. Mr. Quinn raised a point of order that no business had been transacted since a like motion was voted on. Sustained. (29th Leg., p. 724.)

Like motion made by Mr. Duncan, sustained. (30th Leg., p. 320.)

Mr. Brown of Wharton moved to recess. Mr. Love of Williamson raised same point of order as above. Sustained. (30th Leg., p. 1163.)

Speaking held as "business." Mr. Jenkins resumed floor, speaking on pending measure. He yielded floor for Mr. Peeler to move to recess. Mr. Mears raised point of order same as above. Overruled. (30th Leg., p. 1163.)

Mr. Cope moved to adjourn until 10 a. m. Monday. Mr. Bagby

moved the House recess to 2 p. m. today. Motion to adjourn lost. Mr. Williams of McLennan moved that the House adjourn until 10:30 a. m. Monday. Mr. Bagby raised a point of order on consideration of the motion to adjourn, on the ground that it is not in order until the pending motion to recess is disposed of. Sustained. (34th Leg., First Called Session, p. 141.)

EDITOR'S NOTE.—It is the invariable custom of the House when several motions to recess or adjourn shall have been made at the same period, to put the motion carrying the longest time first, and in that order until one is adopted, or all have been voted on.

5. When motions are made for the reference of a subject to a select or standing committee, the question for the reference to a standing committee shall be put first.

6. No motion to postpone to a day certain, to commit or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the bill or proposition.

7. The motion to lay on the table, if carried, shall have the effect of killing the bill, resolution, amendment or other immediate proposition tabled. It shall not be debatable, but the mover of the proposition proposed to be tabled, or the member reporting it from a committee shall be allowed to close the debate thereon after the motion to table is made and before it is put. The vote by which the motion to table is carried or lost cannot be reconsidered.

Mr. Maddox raised a point of order on consideration of the resolution on the ground that the House having tabled the motion to reconsider the vote by which the adjournment resolution was adopted, the resolution cannot be further considered by the House. The Speaker declined to rule on the point of order, and submitted the question to the House for its decision. The House sustained the point of order. (34th Leg., p. 693.)

The motion to lay on the table is used in the House as a final, adverse disposition of a matter without debate. It may not be amended or applied to the motions for the previous question, to suspend the rules, or to any motion relating to the order of business, except the motion to discharge a committee. The general trend of rulings in Congress indicate that the secondary or privileged motions for the disposal of a matter should not be laid on the table. The motion to table may be repeated after intervening business, but the "intervening business" must be such as to carry the question to a new stage in order to permit a repetition of the motion.

8. A bill or proposition postponed to a day certain shall be laid before the House at the time to which it was postponed, unless other business be then pending, in which case

its consideration shall be deferred until the pending business is disposed of, without other prejudice to its right of priority.

The motion to postpone indefinitely opens to debate all the merits of the proposition to which it is applied. It may not be applied to the motion to refer, or to suspend the rules, and it is reasonable to infer that it is equally inapplicable to the other secondary or privileged motions enumerated in the rule, and to motions relating to the order of business. The effect of the motion to postpone indefinitely is to dispose of the proposition postponed for the remainder of the session.

House bill No. 373 was before the House as postponed business. Mr. Blalock raised a point of order on consideration of the bill at this time on the ground that the hour to which the bill had been postponed had not yet arrived. The Speaker submitted the point of order to the House. Sustained by the House. (35th Leg., House Journal Feb. 20, page not now available; permanent Journal not yet printed.)

9. The following motions shall be decided without debate:

- (1) To adjourn.
- (2) To fix the day to which the House shall adjourn.
- (3) To lay on the table.
- (4) That a proposition lie upon the table subject to call.
- (5) For the previous question.
- (6) To suspend the regular order of business and take up some measure out of its order.
- (7) To suspend the constitutional rule requiring bills to be read on three several days.

The motion to reconsider is debatable except when the vote proposed to be reconsidered is on a proposition that is not debatable.

DILATORY MOTIONS.—The rules of the House of Representatives in Congress provide that “no dilatory motion shall be entertained by the Speaker.” Under this rule the Speaker has declined to entertain debate on appeal or on a question as to the dilatoriness of a motion, as to do so would be to nullify the rule; but he has recognized that the authority conferred by the rule should not be exercised until the object of the dilatory motion becomes apparent to the House. Usually, but not always, the Speaker awaits a point of order from the floor of the House before acting. The rule has been applied to motions to adjourn and to reconsider. The point of “no quorum” has been ruled out; but the constitutional right of three members to demand the yeas and nays may not be overruled.

An appeal may not be entertained on a decision as to a dilatory motion.

RULE XIII.**Of the Previous Question.**

1. There shall be a motion for the previous question, which shall be admitted only when seconded by twenty-five (25) members. It shall be put by the Chair in this manner: "The motion has been seconded. As many as are in favor of ordering the previous question on (here state on what question or questions) will say 'yea,' " and then, "As many as are opposed say 'nay.' " If ordered by a majority of the members voting, a quorum being present, it shall have the effect of cutting off all debate and bringing the House to a direct vote upon the immediate question or questions upon which it has been asked and ordered.

After the previous question has been ordered, no motion is in order until the question or questions on which it is ordered have been voted upon, except the motion for a call of the House and the motion to reconsider the vote by which the previous question was ordered; and this motion to reconsider can be made only once, and that must be before any vote under the previous question has been taken. The motion to adjourn is in order after the previous question has been ordered and before the vote is taken on the pending question or questions if a roll call develops the fact that there is not a quorum of the House present. (Leg. Man. 33d Leg., pp. 662-664.)

Mr. Williams of McLennan moved the previous question on the pending amendments and engrossment of the bill. Motion was seconded. Mr. Lewelling raised a point of order on consideration of the motion on the ground that the Speaker had already recognized Mr. Sullivan for the purpose of speaking to a pending amendment to the bill, and that he had not yielded the floor. Overruled. Mr. Lewelling appealed from the ruling of the Chair. The ruling of the Chair was sustained by the House. (34th Leg., p. 1050.)

The Speaker then stated that the mover of the proposition would be recognized to close the debate on the bill. Mr. Lewelling raised a point of order that the mover of an amendment to the bill should also be recognized to discuss the amendment. Overruled. Mr. Lewelling appealed from the ruling of the Chair. The Chair was sustained. (34th Leg., p. 1052.)

2. The previous question may be asked and ordered upon any debatable single motion, or series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized debatable motions or amendments, and include the bill or resolution to its passage or rejection. It may be applied to motions to postpone to a day

certain, or indefinitely, or to commit, and cannot be laid upon the table.

3. On the motion for the previous question, there shall be no debate; and all incidental questions of order after it is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

4. After the previous question has been ordered there shall be no debate upon the questions on which it has been ordered, or upon incidental questions, except only that the mover of the proposition, or the member making the report from the committee, as the case may be, or, in the case of the absence of either of them, any other member designated by such absentee, shall have the right to close the debate, after which a vote shall be immediately taken on the amendments, if any there were, and then on the main question.

The "mover of the proposition" is the mover of the *original* proposition, not the mover of any proposed amendment to the original question or the maker of any subsidiary motion. The literal meaning of this rule is slightly modified by Section 5 following.

5. When the previous question is ordered upon a motion to postpone indefinitely, or to amend by striking out the enacting clause of a bill, the mover of a proposition or bill proposed to be so postponed or amended, or the member reporting the same from a committee, shall have the right to close the debate on the original proposition, after which the member moving to postpone or amend shall be allowed to close the debate on his motion or amendment.

6. No motion for an adjournment or recess shall be in order, after the previous question is seconded, until the final vote upon the main question shall be taken, unless the roll call shows the absence of a quorum.

7. A call of the House may be moved after the previous question has been ordered.

PURPOSE OF THE MOTION FOR THE PREVIOUS QUESTION.—In the House of Representatives in Congress, the motion for the previous question is the only motion used in the House itself for closing debate. The motion may not include a provision that it shall take effect at a certain time. It may not be moved on more than one bill, except by the unanimous consent of the House. It is often ordered on undebatable propositions to prevent amendment, but may not be moved on a motion that is both undebatable and unamend-

able; for example, the motion to table. It applies to questions of privilege as to other questions; also, to appeals.

The motion to lay on the table may not be applied to the previous question; nor may it be applied to the main question after the previous question has been ordered, or after the yeas and nays have been ordered on the demand for the previous question.

The motion to postpone may not be applied to the main question after the previous question has been ordered. (Leg. Man. 33d Leg., pp. 662-664.)

RULE XIV.

Of Reconsideration.

1. When a motion has been made and carried, or lost, or an amendment, resolution or bill voted upon, it shall be in order for any member of the prevailing side to move for a reconsideration thereof, on the same day or the next sitting day, before the order of the day is taken up.

The "order of the day" referred to in the above rule would certainly mean the order of disposing of the business on the Speaker's table and not the daily order of business as set forth in Rule XXI, of which "prayer by the Chaplain" is the first item.

Where the yeas and nays have not been ordered recorded in the Journal, any member, irrespective of whether he voted with the prevailing side or not, may make the motion to reconsider; but a member who was absent or who was paired in favor of the majority contention, and did not vote, may not make the motion.

While the motion to reconsider has high privilege for entry, it may not be considered while another question is before the House. When it relates to a bill belonging to a particular class of business, consideration of the motion is in order only when that class of business is in order.

When a motion is made to reconsider the vote on a bill which has gone to the Senate, a motion to recall the bill is privileged.

The motion to reconsider is adopted by a majority vote, even when the vote reconsidered requires two-thirds for affirmative action.

The vote by which the previous question was ordered can only be reconsidered one time and, as previously stated, the motion to reconsider cannot be applied to a vote by which the previous question was ordered after the previous question has been partially executed.

A motion to reconsider cannot be applied to a negative vote on adjournment, for recess, or suspension of the rules.

A motion to reconsider having prevailed and the vote again taken on the proposition, another motion to reconsider is not in order unless the nature of the proposition has been changed by amendments.

The effect of a motion to reconsider is to suspend the original proposition, or in other words, to hold the matter in abeyance pending the further pleasure of the House. However, should the Legislature adjourn finally, leaving undisposed of a motion to reconsider,

and the bill, by oversight, should be enrolled, properly signed by the presiding officers of the two houses and approved by the Governor, it would undoubtedly become a law, although a motion to reconsider the vote by which it was finally passed remained undisposed of.

When a motion to reconsider is carried, the question immediately recurs on the proposition reconsidered, and when a vote adopting an amendment is reconsidered the amendment simply becomes the pending amendment.

A motion to reconsider is debatable unless the proposition upon which the motion to reconsider is made is not debatable.

Although a bill may have gone to the other house or to the Governor, or the House has informed the Senate that it has agreed to Senate amendments to a House bill, the motion to reconsider may be made if made within the time prescribed by the rules. In such cases the procedure is to advise the Senate or the Governor, as the case may be, that a motion is pending to reconsider and a request is made that the bill be returned for further consideration.

Mr. Fitzpatrick moved to reconsider the vote by which the resolution (H. J. R. No. 1) failed to pass and to table the motion to reconsider. Motion to table was lost with a yea and nay vote. After result of vote was announced Mr. Bagby raised a point of order on consideration of the motion to reconsider and table, on the ground that Mr. Fitzpatrick did not vote on the prevailing side, and that it was not in order for a member not of the prevailing side to so move. Overruled, the Speaker stating that the point of order came too late. (35th Leg., House Journal, Feb. 27, page not available; permanent Journal not yet printed.)

2. If such motion for a reconsideration be not disposed of when made, it shall be spread upon the Journal, and cannot, after that legislative day, be called up and disposed of unless one day's notice shall be given. But all such motions made during the last three days of the session shall be disposed of when made.

Mr. Bagby called up the motion to reconsider the vote by which the House refused to pass House Joint Resolution No. 15, which motion to reconsider was on March 6 duly spread on the Journal, due notice having been given.

Mr. Burmeister raised a point of order on consideration of the motion to reconsider at this time, on the ground that the regular order of business must first be suspended before the motion could be considered by the House. Overruled.

The Speaker then ruled that under the joint rules of the House and Senate, this being Senate bill day, it would not be in order for the House to consider the resolution at this time without the consent of the Senate. (34th Leg., p. 1108.)

Mr. Burmeister called up the motion to reconsider the vote by which the House on March 6 refused to pass House Joint Resolution No. 15, the motion to reconsider having been duly made on that day to spread on the Journal.

Mr. Bagby raised a point of order on consideration of the motion to reconsider at this time, on the ground that one day's notice had not been given that the motion would be called up, as required by the rules. Sustained. (34th Leg., p. 1044.)

Mr. Burmeister appealed from the ruling of the Chair. Appeal was seconded. Mr. Rowell called to chair. Mr. Burmeister then withdrew his appeal, indicating by this action that in his opinion the Speaker's ruling was correct. Mr. Burmeister then moved to suspend the rule of the House requiring one day's notice to be given, and that the motion to reconsider be taken up and considered at this time. The motion to suspend was lost by 72 yeas to 58 nays. It taking two-thirds vote to suspend any standing rule or order of the House. (See Rule XXII, Sec. 1.)

Mr. McDowell moved to reconsider the vote by which the House on yesterday adopted the resolution of Mr. Haney and others providing postage, etc.

Mr. Cope raised a point of order on consideration of the motion at this time, on the ground that under the provisions of Rule XIV the motion to reconsider when not considered and disposed of the same day as that on which the vote proposed to be reconsidered is had, cannot be considered unless one day's notice shall have been given. Overruled.

Mr. Caldwell raised a point of order on further consideration of the motion to reconsider, on the ground that the motion was not made before the order of business had been taken up. Overruled. (34th Leg., First Called Session, p. 12.)

For other precedents see Legislative Manual, 33d Legislature, beginning on page 681.

3. When a motion for a reconsideration has once been made, it cannot be withdrawn, but may be called up by any member.

4. Unless sooner called up and disposed of, all motions for the reconsideration of votes upon amendments or other incidental matters shall be regarded as determined and lost upon the final vote upon the main question.

RECONSIDER AND TABLE.—In the practice of the House, the double motion to reconsider the vote on a proposition and table the motion to reconsider is of frequent occurrence. It is in effect two motions, one to reconsider the vote on a proposition and the other to lay the motion to reconsider on the table. The question is first on the motion to table. If that motion be lost, the question will then be on the motion to reconsider. The purpose of this double motion is to prevent a reconsideration of a matter the House has already decided by vote, for when a motion to reconsider is tabled another motion to reconsider would not be permitted under the rules.

For a later ruling to the same effect and a thorough discussion of the motion to rescind, see the precedents quoted following Section 14, Rule XVIII.

RULE XV.

Of Roll Calls and Calls of the House.

1. Upon every roll call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the county shall be added.

2. It shall be in order to move a call of the House at any time for the purpose of maintaining a quorum for the consideration of a specific bill, resolution or other measure. When a call of the House is moved and seconded by fifteen members (of whom the Speaker may be one), the Doorkeeper shall close the main entrance of the Hall, and all other doors leading out of the Hall shall be locked and no member be permitted to leave the House without written permission of the Speaker, until after the subject matter upon which the call was ordered has been disposed of. The Clerk shall call the roll of members and note the absentees; and those for whom no sufficient excuse is made may, by order of the majority of those present, be sent for and arrested, wherever they may be found, by the Sergeant-at-Arms, or officer appointed by him for that purpose, and their attendance secured and retained, and the House shall determine upon what condition they shall be discharged. Members who voluntarily appear shall, unless the House otherwise directs, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present. Until a quorum appears, should the roll call fail to show one present, no business shall be done except to compel the attendance of absent members or to adjourn.

Whenever a quorum is shown to be present the House may proceed with the matters on which the call was ordered, or may enforce and await the attendance of the absentees.

RULE XVI.

Of Simple and Concurrent Resolutions.

1. When resolutions are called for, the member offering a resolution shall rise in his place and say: "Mr. Speaker, I offer the following resolution." The Speaker shall then say: "The gentleman from.....offers the following resolution. The resolution will be read." As soon as the Clerk

shall have read the same the Speaker shall say: "What order will the House take on the resolution?" If the second reading of the resolution is called for, the Speaker shall say: "Second reading of the resolution is called for. If there be no objection, the resolution will be read a second time." If objection be made to the second reading, it shall be in order for any member to move for the second reading, and if the motion be carried the resolution shall be read again, and it will then be before the House for amendment, adoption or rejection, or other action. If the second reading is not moved, the resolution shall lie over until the following day, when it will come up as business on the Speaker's table.

The fifth item under the daily order of business is as follows: "Resolutions filed with the Chief Clerk and resolutions offered from the floor, for twenty minutes, if not sooner disposed of." (Rule XXI.) Resolutions not disposed of in the twenty minutes and lying over from a previous day as unfinished business shall be considered until finally disposed of when they are again laid before the House for consideration. (Rule XXI, Sec. 1; House Journal 34th Leg., pp. 308-309.)

2. Concurrent resolutions shall take the same course as simple resolutions, and shall be numbered in regular order.

3. Resolutions may be filed with the Chief Clerk after the opening of the session of the House, and when resolutions are called for all resolutions so filed shall be taken up in the order filed and disposed of before the Speaker shall permit members to offer resolutions from the floor of the House.

RULE XVII.

Joint Resolutions.

All amendments proposed to the Constitution shall take the form of a joint resolution, which shall be subject to the rules which govern the proceedings on bills, except that it shall be adopted on any reading after the first when it receives a two-thirds vote of the members-elect to the House. (Constitution, Art. XVII, Sec. 1.) When a proposed amendment to the Constitution is under consideration, the vote of a majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental questions thereto short of the final question.

A ruling of the Attorney General is to the effect that an appro-

priation cannot be made by joint resolution unless it takes the regular course of a bill and commences with the enacting clause prescribed in the Constitution for bills.

The constitutional reason for this ruling is that the Constitution requires all appropriations to be made by law, and prescribes that no law shall be enacted except by bill, which must begin with the enacting clause "Be it enacted by the Legislature of the State of Texas." (Vol. 31, Opinions of Attorney General.)

This opinion reinforces the proposition that joint resolutions are only a special kind of bills.

RULE XVIII.

Of Bills.

1. Proposed laws or changes in laws must be incorporated in bills, which shall consist of a title or caption, beginning with the words, "A bill to be entitled An Act to," and containing a brief statement of the object of the proposed measure, and of the bill proper beginning with the enacting clause, "Be it enacted by the Legislature of the State of Texas," and stating at large the measure proposed; and if the bill proposes to amend an existing law, it shall be accompanied by a brief statement of the proposed change in the existing law. (Const., Art. III, Sec. 29.)

2. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. (Const., Art. III, Sec. 35.)

3. No law shall be revived or amended by reference to its title, but in such case the act revived or the section or sections amended shall be re-enacted and published at length. (Const., Art. III, Sec. 36.)

4. Bills shall be introduced in the same manner as resolutions, and with the same order of precedence. Each bill shall be numbered in its regular order; and when bills are called for by the Speaker, first those filed with the Chief Clerk and then those introduced from the floor shall be read first time by caption and referred to the proper committee.

5. No bill shall be considered or tabled unless it has been first referred to a committee and reported therefrom, and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days

before the final adjournment of the Legislature. The Speaker shall not be authorized, nor shall he recognize any one to take up a bill out of its regular order within forty-eight hours next preceding final adjournment, nor shall he lay any bill before the House for a vote upon any passage during said time, and no vote shall be taken upon any bill except to correct an error therein, or to adopt a conference report.

Ruling on Section 5 of this rule relative to the forty-eight hour limit preceding final adjournment.—Speaker Fuller in the Regular Session of the Thirty-fifth Legislature said in substance: Inasmuch as the Senate rule providing for a 24 hour limit was in conflict with the House 48 hour rule, he was of the opinion that the House could not pass House bills after the 48 hour limit had arrived, but that it could pass Senate bills up to the 24 hour limit, and he so held and the House worked accordingly.

Mr. Tillotson raised a point of order on taking up Senate bill No. 13 within 48 hours before final adjournment, as provided in Rule XVIII, Section 5. This point of order may be found on pages 382 and 383, House Journal, First Called Session, 34th Legislature. Overruled.

6. All bills before the House on their third and second readings, respectively, shall be taken up and acted upon in the order in which they are numbered; provided, that Tuesday of each week shall be devoted to the consideration of House bills on their third readings until disposed of.

But when any House bill shall be reached upon the calendar or shall be before the House for consideration, it shall be the duty of the Speaker to give the place of such House bill on the calendar to any Senate bill which has been referred to and reported from a committee of the House, containing the same subject, or to lay such Senate bill before the House to be considered in lieu of such House bill.

On Wednesday and Thursday of each week only Senate bills, on their third and second readings, respectively, shall be taken up and considered until disposed of, and in case one should be pending at adjournment, it shall go over to the succeeding day (Friday), as the unfinished business.

The rules of the House (Rule XXII, Sec. 1) provide that no bills except Senate bills may be considered on Senate bill days, except by unanimous consent. The joint rules (Joint Rule XXIII) provide that no other business may be considered on these days without the consent of the Senate.

Speaker laid before House as unfinished business House bill No. 585. Mr. Bruce raised a point of order on further consideration of the bill at this time, on the ground that this being Senate bill day

only Senate bills can be considered without consent of the Senate. Sustained. (34th Leg., p. 911.)

Mr. Beard of Harris offered the following resolution: That the Senate of Texas be requested to report back to the House as to whether or not they intend to give the legislation as passed by the House a prompt, fair and impartial hearing, as provided for by the rules.

Mr. Butler raised a point of order on consideration of the resolution on the ground that it relates to a matter not within the jurisdiction of the House. Sustained. (35th Leg., p. 709.)

Local bills shall only be in order after 4:30 p. m. each Wednesday and each Thursday; provided, that it shall not be in order to suspend the constitutional rule requiring bills to be read on three several days in the consideration of any local bill. By local bill is meant any measure affecting only one county, city or representative district, other than the establishment of new courts.

The following memoranda may be helpful in determining if a bill is a local or a general bill:

Bills relating to the sale of public lands on islands not local.

An act to amend the general game and fish law not a local bill.

Bill to create a new county held not to be a local bill.

Bill creating a district court out of parts of two or more counties not local.

Fee bill applying to counties of more than 80,000 not local.

A bill to amend an act to apportion the State into congressional districts not a local bill.

Bills relating to judicial districts are general.

Bills reorganizing one or more judicial districts are general.

A bill for the purpose of reorganizing or creating a new judicial district is not a local bill unless it affects only a single representative district, and does not provide for an appropriation.

Bill having for its purpose the remission of taxes is a general bill.

Senate bill No. 160 was under consideration, Clerk had been directed to call the roll on its passage. Mr. Lewelling made the point of order on further consideration of the bill at this time on the ground that the time allotted under the rules for the consideration of local bills had arrived. Overruled. (34th Leg., p. 808.)

Senate bill No. 14 was under consideration. Mr. Smith raised a point of order on further consideration of the bill at this time, on the ground that the time allotted for the consideration of local bills had arrived. Overruled. Mr. Savage of Bell in the chair. (34th Leg., p. 920.)

By unanimous consent House may consider a general bill on local bill day.

Bills affecting county auditors law are not local bills.

Provided, that no general appropriation bill for the fiscal years ending August 31, 1918, and August 31, 1919, shall be

in order during the first sixty days of this session, and that any provision in any rule contrary to this proviso is hereby repealed.

7. All bills when reported favorably by a committee shall immediately be sent to the printer by the Calendar Clerk and a printed copy laid on the desk of each member before the bill is acted on by the House. In the event a notice of a minority report is given, the Calendar Clerk is instructed to hold a bill two days if necessary, awaiting the filing of the minority report, but during the last fifteen days of the session, he shall not hold a bill more than twenty-four hours awaiting a minority report. All other bills, resolutions, reports, memorials and petitions shall be printed on the order of the House.

Bills reported favorably by a committee must be printed and copies thereof laid upon the desks of members before they may be acted on by the House. Or the House must order that they be not printed, in which case they may be acted on without being printed.

Bills reported adversely may not be considered by the House until they have by motion been ordered printed and copies thereof laid upon the desks of the members.

On motion, the House usually orders local bills not printed.

Mr. Bryant moved that House bill No. 466 be not printed.

Mr. Boner raised a point of order on consideration of the motion not to print, on the ground that it is not a local bill. Sustained. (34th Leg., p. 833.)

Mr. McAskill submitted the following motion in writing: I move House bill No. 6, together with proposed amendments now in the hands of the clerk of the Insurance Committee and proposed to the committee for adoption and under consideration of the Insurance Committee, be printed in the House Journal and that 200 extra copies be printed.

Mr. Tillotson raised a point of order on consideration of the motion, on the ground that the House had not been informed of the subject matter of the amendments proposed to be printed in the Journal. Overruled.

Mr. Cope raised the point of order, on consideration of the motion, on the ground that the bill and amendments proposed to be printed in the Journal, not being before the House for consideration, no motion to print them in the Journal can now be considered. Overruled. (34th Leg., First Called Session, p. 102.)

8. After a bill has been taken up and read, amendments thereto shall be in order, those recommended by the committee or its minority being first considered, if called up. If no amendment is made, or if those proposed are adopted, then the final question upon its second reading shall be, in the case of a House bill, whether it shall be engrossed, or, in the case

of a Senate bill, whether it shall pass to its third reading; and all bills ordered engrossed or passed to a third reading shall go on the calendar in their regular course.

Under the practice of the House, a bill is read the first time by its title and referred to a committee. The second reading of a bill occurs when it is taken up for consideration by the House, after it has been reported from a committee and has been printed and distributed among the members. A bill must be read the second time in full, and the Speaker ordinarily objects to a request for unanimous consent that a bill may be acted on without being read.

9. No bill shall have the force of law until it has been read on three several days in each house, and free discussion allowed thereon; but in case of imperative public necessity (which necessity shall be stated in the preamble or in the body of the bill), four-fifths of the House may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the Journal. (Const., Art. III, Sec. 32.)

By four-fifths of the House is here meant four-fifths of the members of those voting, a quorum being present; provided, that within the meaning of this rule "an imperative public necessity" shall be held to mean only such condition or state of affairs which, if not immediately remedied, will cause great loss of life or of property; and the Speaker shall not entertain a motion to suspend the constitutional rule requiring bills to be read on three several days unless it shall affirmatively appear that such a condition or state of affairs does actually exist.

SUSPENSION OF THE CONSTITUTIONAL RULE.—The rules of the House provide that the Speaker shall not entertain a motion to suspend the constitutional rule requiring bills to be read on three several days, unless it shall affirmatively appear that such a condition or state of affairs exists which if not immediately remedied will cause great loss of life or property. The purpose of this rule was not to prevent any bill which received a two-thirds vote on its final passage in both houses from taking immediate effect, but it was for the purpose of protecting the House against endless roll calls, which retard rather than expedite the business of the House. In the First Called Session of the Thirty-third Legislature an attempt was made to override this rule, on the ground that it was unconstitutional, but the House, upon the question being submitted to it, decided to stand by the rule. As this rule does not attempt to define what an "emergency" or "public necessity" is, except for the sole purpose of considering a bill, we cannot understand why it is contrary to the Constitution. As a matter of fact, there is no definition of what "an imperative public necessity" and "an emer-

gency" is. It is left solely to the discretion of the Legislature or of each house. Even the limit is much narrower than this for a fraction more than one-fifth of the members present can prevent the suspension of the rule, if in their judgment the emergency does not exist. This, together with the fact that under the Constitution, the House has the authority to make its own rules of procedure and as this rule has to do solely and alone with the consideration, we think the position that it is unconstitutional is not tenable. (Leg. Man., 33d Leg., p. 834.)

10. When a bill has been taken up on its third reading, amendments thereto shall be in order, but shall require a two-thirds vote of the members present for their adoption, or the bill may be committed and reported to the House with amendments, in which case it shall take the course of a bill at its second reading, unless the amendments were made in the Committee of the Whole, in which case the House shall immediately proceed to act on the bill; but when a bill has been committed once at any reading, it shall not be in order to recommit it again more than once, unless for some special amendment proposed, and then only by consent of two-thirds present. After all amendments have been disposed of, the question shall be upon the final passage of the bill.

The third reading of a bill occurs when it is taken up for consideration by the House after it has been passed to engrossment, or, if a Senate bill, passed to a third reading; and this reading is usually by title only, but the right to demand the full reading of the engrossed copy of the bill exists under the rules; and, in the House of Representatives in Congress, a vote on the passage has been reconsidered in order to remedy the omission to read a bill the third time. But, in case of imperative public necessity, where the House suspends the rule requiring bills to be read on three several days, the full reading of the engrossed copy of the bill may not be demanded.

A bill or other proposition committed at a third reading and again reported from a committee, when again laid before the House for consideration, takes the course of a bill on a second reading, except those amendments and motions that would not have been in order when the question originally recurred on the engrossment of the bill or other proposition.

The following point of order and exhaustive ruling has many citations in point:

On February 16, 1917, the Speaker laid before the House as a special order on second reading House Joint Resolution No. 1, proposing an amendment to the Constitution of the State of Texas, by striking out and repealing Section 20 of Article 16 thereto and substituting in lieu of said Section 20 a new Section 20, providing for the prohibition of the manufacture, sale, barter, exchange or transportation within this State of intoxicating liquors, except for specified purposes, and providing for enactment of laws to enforce this section,

and providing for retention of present laws relating to liquor traffic now in force until nullified or repealed; the resolution having been committed when pending on final passage and having been again reported favorably from the committee.

The resolution was read second time.

After Mr. Cope offered certain amendments, Mr. Bagby then raised the following point of order on consideration of the committee amendments:

"Mr. Speaker, there is before this House, without authority, the original House Joint Resolution No. 1; therefore, there can be no committee amendment to the original House Joint Resolution No. 1. At the time of the commitment of House Joint Resolution No. 1, there was then before this House one thing, that was the engrossed House Joint Resolution No. 1. That was all that could have been committed. House Joint Resolution No. 1 as engrossed was pending before the House. This House had no authority to commit anything except that which was before it."

In passing on the point of order, the Speaker adopts as a part of his rulings herein that portion of the opinion of Hon. Chester H. Terrell, which reads as follows:

"The effect of the motion by Mr. Cope to recommit is set forth in Rule 18, Section 10, page 512, Manual Thirty-third Legislature, which provides that a bill recommitted on third reading will take the course of a bill at its second reading. The general rule is correctly expressed in Jefferson's Manual as to the reasons for recommitting a bill, and it is stated that it is only in cases of importance and for special reasons, and unquestionably a majority of the House had a special and important reason for recommitting this resolution, because the effect of the recommitting would unquestionably be to do away and make null and void everything that occurred on third reading. It can be readily understood that when a bill or resolution (and under the House Rules a resolution is subject to the same proceedings governing bills, Rule 17) is on its third reading, and the majority of the House find it impossible to put on what they deem to be an important amendment, that they would act under this rule for the purpose of considering an amendment on second reading where they could by a majority vote carry out their wishes. If this rule stood alone I would be of the opinion that when a bill was recommitted and reported, it would be in exactly the same condition as if originally introduced, and would be subject to all amendments that could be offered to a new bill or resolution. But there are other rules and rulings which in my judgment limit the effect of the section governing recommitting. Page 589, Annotations Manual, Thirty-third Legislature, states the general rule substantially as follows:

"If an amendment is lost or tabled, another one of the same import is not in order on the same reading or stage of the bill."

"Section 10 of Rule 18 simply sends the bill or resolution back to that stage where amendments can be adopted by a majority vote, for that is the only real distinction in the procedure between second and third readings.

"Rule 12, Section 7, provides that the 'motion to lay upon the

table, if carried, shall have the effect of killing the bill, resolution, amendment, or immediate proposition tabled.' The clear effect of this is that if a bill or resolution is laid on the table, it is finally killed, but it only kills an amendment in so far as that stage of the bill is concerned. This has not only been repeatedly held in previous Legislatures, but was held by you in the ruling previously referred to. A motion to rescind would not be in order. (Page 615, Annotations to Rules, Thirty-third Legislature.) Section 34 of Article 3 of the Constitution does not apply to House Joint Resolution No. 1 for the reason that it has not been defeated because of the motion made to reconsider.

"In view of the fact that no amendment can be offered that has been defeated at the same stage of the proceeding, and in view of the fact that a bill recommitted on third reading takes the course of a bill on second reading, which is the same stage of the proceeding at which the Bagby amendment was defeated, the Bagby amendment could not be offered again in my judgment for the reason that at the same stage of the bill the amendment was defeated by the House, and certainly the purpose of the recommitment was not to reconsider the Bagby amendment, which can clearly be shown by the votes cast on that amendment and other amendments, but it was for the purpose, if the amendment suggested is the one recommended by the committee, of acting on a much more comprehensive amendment. The only way in which the Bagby amendment could be considered would be by suspension of the rules of the House under Rule 22, which would require a two-thirds vote of the members present. The Canales amendment could be again offered for the reason that it was not offered on that stage of the bill, and is essentially different from the Bagby amendment, as heretofore stated."

As a precedent herein, the Speaker refers to Volume 8, page 69 of Hind's Precedents, which reads as follows:

"A motion to recommit may be made after the second and third reading of the bill even though the previous question may not have been ordered."

On page 73, Volume 8, Hind's Precedents, we have the following:

"When a bill is recommitted to the committee which returned it, the whole question is before the committee anew as if it had not been before considered. When a resolution is recommitted the committee must take up the subject anew, the final action being of no further account. When a motion is recommitted with instructions the committee must confine itself within the instructions."

"And when a bill is recommitted with instructions relating only to a certain portion, the committee may not review other portions."

Adopting this as a principle, we must hold that where a bill or resolution is recommitted without instructions, the committee has a right to review the whole subject matter and report such amendments as they desire, and were it not for our House rules to the contrary, the Chair would hold that the original joint resolution has been stripped of all amendments.

Referring again to the question of recommitment of a bill or resolution, the Chair is of the opinion that there is a conflict in the rules of the House of the United States Congress and the rules of the House

of Representatives of the Legislature of the State of Texas governing the question of recommitment, and for this reason he will follow the rules of this House.

The Speaker holds that no amendment would be in order that has been previously voted on at this stage of the bill, but that an amendment essentially different from the Bagby amendment, which was voted down when this bill was previously considered, at this stage of the bill would be in order. The question is, Are there such differences between the original Bagby amendment and the committee amendments now offered by Mr. Cope as would make the committee amendments now in order? The Chair states that there must be such a difference in amendments offered at the same stage of the bill that a member might reasonably vote for the one and reject the other. The question then is, Would a member reasonably support the Bagby amendment and vote against the proposed committee amendment now offered; or, could he reasonably support the committee amendments and vote against the Bagby amendment?

Upon the examination of the Bagby amendment, and the proposed committee amendments, we find this difference:

1. Some of the dates have been changed.
2. The word "interstate" is added in the committee amendments, whereas same did not appear in the Bagby amendment.
3. The word "storage" is added in the committee amendments.
4. The committee amendment provides that "felony crimes described in the local option law and the punishment prescribed therefor, shall on and after said date apply to and be in full force in all counties of the State by virtue of this section, without the necessity of the adoption of said law by each county separately, and so remain in force until repealed by the Legislature"; whereas, this provision does not appear in the Bagby amendment. The Chair is of the opinion that the changes in the dates referred to are non-essential and would not cause a member to reasonably vote for one and against the other. The Chair is of the opinion that the addition of the word "interstate" might be an essential difference and might possibly cause a member to vote for one and against the other. The Chair is not of the opinion that the word "storage" materially changes the effect of the amendment. The Chair is of the opinion that the addition of that part of the section which says that "felony crimes described in the local option law and the punishment prescribed therefor shall, on and after said date, apply to and be in full force in all counties of the State by virtue of this section, without the necessity of the adoption of said law by each county separately and so remain in force until repealed by the Legislature," is essentially different from the Bagby amendment, and that a member might reasonably support the one and oppose the other; and for this reason the Chair states that the committee substitute is in order.

The Chair also is of the opinion that a constitutional question arises with reference to the construction of Section 34 of Article 3 of the Constitution of the State of Texas, and Section 1, Article 27 of the Constitution of this State. The Chair is very much in doubt as to whether or not Section 34 of Article 3 of our Constitution has any application to the mode of amending the Constitution of this

State, and refers the House to the Attorney General's opinion, which hereinafter appears, together with the communication of the Hon. Chester H. Terrell to the Speaker. For the reasons herein stated, the Speaker overruled the points of order raised by Mr. Bagby.

(Editor's note.—The full opinion of Mr. Terrell and also that of the Attorney General can be found in the House Journal of the Thirty-fifth Legislature, pp. 618-624.)

Mr. Blalock moved to recommit House bill No. 122 to the Committee on Criminal Jurisprudence.

Mr. Parks raised a point of order on consideration of the motion on the ground that on January 30 the House tabled a motion to reconsider the vote by which a motion to recommit the bill was lost. Sustained. (35th Leg., p. 393.)

11. When a bill shall pass, it shall be certified by the Chief Clerk, noting the day of its passage at the foot thereof, and the vote by which it passed, if by a yea and nay vote.

12. No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the Legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the Journals. (Const., Art. III, Sec. 39.)

EMERGENCY CLAUSE.—Owing to the great amount of business which usually comes before the regular session of the Legislature, and the limited time of an ordinary session, if there is a public necessity for the immediate enactment of a law and for its taking immediate effect, in the practice of the House, it is the custom to permit such a law to be passed under the emergency provisions of the Constitution and the Rules of the House. The imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days and the emergency for its taking effect from and after its passage are usually stated in the last clause of the bill.

Often during the consideration of a bill, the constitutionality of the measure has been raised, but the invariable rule seems to have been for the presiding officer to pass the matter up to the House for its decision.

13. After a bill has been considered and defeated by either house of the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance shall be considered at the same session. (Const., Art. III, Sec. 34.)

The Speaker laid before the House Senate bill No. 61. Mr. Baker of Hood raised a point of order on further consideration of the bill, on the ground that it contained the same substance as a bill that had already been considered and defeated by the House during present session. Overruled. (34th Leg., p. 1121.)

Mr. Beard of Harris made a like point of order, that it contained the same substance as a bill defeated in the Senate. Overruled. (34th Leg., p. 1121.)

In the Twenty-sixth Legislature (Journal, p. 415) a point of order was made on consideration of a bill in the House because the Senate had considered and defeated a bill containing the same subject-matter. The Speaker held the point of order not well taken. A point of order of this kind must be decided on the actual facts of the case; a bill might be similar, even containing apparently the same substance, and yet be so different as not to come within the rule. If the Senate has officially reported the defeat of a particular measure, a point of order on consideration of a similar measure in the House would stand or fall according to whether or not the presiding officer of the House thinks the measure being considered in the House contains the same substance as the measure defeated in the Senate.

14. No motion shall be in order to suspend the reading in full of a bill on second reading if demanded by any member.

CONSTITUTIONAL PROVISIONS IN THE RULES OF THE HOUSE.—Several provisions of the Constitution are embodied in the rules of the House, so that some of the rules of the House are also constitutional rules. Any rule that is merely a rule of the House may be suspended by a two-thirds vote, or as may be provided in the rules of the House; but when a rule of the House is a repetition of a constitutional provision, it is, of course, different; and a rule of this kind may not be suspended unless such suspension is specially provided for in the Constitution. Most of the constitutional provisions embodied in the rules of the House are contained in Rule XVIII, *supra*.

RESCINDING VOTES DEFEATING BILLS.—The following precedents taken from the Manual of the Thirty-third Legislature are fully explanatory of why a motion to rescind cannot be made after the motion to reconsider has been tabled:

Held out of order resolution to rescind vote by which enacting clause was stricken out.

Mr. Robertson of Travis offered the following resolution:

Be it resolved, That the action of the House taken on January 24, 1911, in adopting the amendment striking out the enacting clause of House bill No. 41, relating to the fixing of salaries of judges of the courts of this State, be and the same is hereby rescinded.

The Speaker (Mr. Rayburn) held the resolution to be out of order, from which ruling Mr. Robertson of Travis appealed.

The Chair was sustained by a vote of 81 to 19. (32nd Leg., p. 1075.)

A bill having been defeated, and motion to reconsider the vote by which it was defeated being laid on the table, a motion to rescind the

vote by which the House tabled the motion to reconsider is not in order.

Mr. Savage moved to rescind the vote by which the House, on February 10, tabled the motion to reconsider the vote by which House bill No. 4, known as the "full crew bill," was on that day lost.

Mr. Kennedy raised a point of order that the motion to rescind is out of order; that such a motion, if carried, would abrogate the rules of the House, which provide for the reconsideration of all matters adopted by the House, and that the motion must be made by a member of the majority or prevailing side, and must be made on the same or next sitting day before the order for the day is taken up, and that one day's notice must be given before the motion can be called up and disposed of. The rules of the House further provide that where a motion to table prevails that motion cannot be reconsidered. Immediately after House bill No. 4 was defeated on engrossment, a motion to reconsider that vote was made, and the motion to reconsider was tabled. The motion to rescind is but another method of reconsideration, and is now made by a gentleman who voted with the losing side and made several days after the House defeated the bill which he now proposes to revive. The adoption of his motion would establish a dangerous precedent. It would mean an interminable conflict over bills that, under the rules, have been killed.

In sustaining the point of order raised by Mr. Kennedy, the Speaker gave the following reasons:

Rule 14, Section 1, provides as follows: "When a motion has been made and carried or lost, or an amendment, resolution or bill voted upon, it shall be in order for any member of the prevailing side to move for a reconsideration thereof, on the same day or the next sitting day, before the order of the day is taken up."

Rule 12, Section 7, provides as follows: "A motion to lay upon the table, if carried, shall have the effect of killing the bill, resolution or other immediate proposition tabled."

Article 3, Section 34, of the Constitution provides: "After a bill has been considered and defeated by either house of the Legislature, no bill containing the same substance shall be passed into law during the same session."

House bill No. 4 was considered fully by the House, and after lengthy debate was defeated; a motion to reconsider and to table was made, which motion to table carried, and, in the opinion of the Chair, the House, in tabling the motion to reconsider, killed the bill. It is just as important to the House to be able to kill a bill as it is to pass it. If a motion to rescind could be made, the motion to reconsider and to table would be without value, and if one motion to rescind could be made, such a motion could be made every day in the session and thus waste the time and thwart the will of the House deliberately expressed when the bill was defeated.

The Speaker is aware of the action of the House in the Twenty-sixth, Twenty-eighth and Twenty-ninth Legislatures and also familiar with the rulings of the Thirty-second Legislature dealing with the question of rescinding, and he is unhesitatingly of the opinion that the rulings made by Speaker Rayburn in the Thirty-second and

by the present Speaker, who was in the chair during that same session, were correct.

If a motion to rescind could be made on the defeat of any bill, it could also be made after the passage of a bill, and in this way defeat the expressed will of the House. A motion to rescind must be based on the proposition that the only way to defeat a bill is by final adjournment, and if that be true the provisions of Section 34 of Article 3 of the Constitution would be meaningless.

For the above reasons the Speaker sustains the point of order. (33d Leg., p. 891.)

RECALLING BILLS FROM GOVERNOR AND SENATE.—The practice of recalling bills from the Governor for the purpose of amending or correcting them has grown to be an established practice of the House. When it is necessary to recall a bill from the Governor it should be done by a concurrent resolution originating in the house in which the bill was enrolled.

After a bill has been recalled a concurrent resolution authorizing the change in the enrollment will be in order. After the adoption of the concurrent resolution the bill will then be re-enrolled, resigned by the presiding officers and again presented to the Governor.

Sometimes the formality of having the Lieutenant-Governor and Speaker of the House erase their signatures on the bill as originally enrolled is had.

If a motion to reconsider the vote by which the bill was finally passed in the House prevails or is pending, it is in order to recall the bill from the Senate if it has been sent to the Senate, but the motion to reconsider cannot be made except on the day the final vote was taken or on the next day before the business on the Speaker's table is taken up. (Leg. Man., 33d Leg., pp. 607-614.)

Mr. Tillotson offered a resolution recalling a sine die adjournment that had been passed and sent to the Senate. Mr. Lewelling raised a point of order, on the ground that it was not in order for the House to recall a resolution from the Senate except for the purpose of correcting an error therein. Overruled. (34th Leg., p. 692.)

Mr. Maddox raised a point of order on consideration of the resolution on the ground that the House having tabled the motion to reconsider the vote by which the adjournment resolution was adopted, the resolution cannot be further considered by the House.

The Speaker declined to rule on the point of order, and submitted the question to the House for its decision. The House sustained the point of order.

The Speaker laid before the House, as postponed business, the resolution by Mr. Davis of Van Zandt, relating to certain charges against the Governor. Mr. Moore raised a point of order on further consideration on the grounds that it contained the same substance as a resolution heretofore acted on and defeated by the House.

The Speaker submitted the point of order to the House. Overruled by the House. (35th Leg.)

RULE XIX.**Of Amendments.**

1. When a bill, resolution, motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by the way of substitute.

Under this rule, according to the recent practice in the House, a substitute for either an amendment or an amendment to the amendment is in order; but an amendment to a substitute is not permitted.

2. A motion to strike out and insert new matter in lieu of that to be stricken out shall be regarded as a substitute and shall be indivisible.

3. Amendments to the caption of a bill or resolution shall not be in order until all other proposed amendments shall have been acted upon and the House be ready to vote upon the passing of the measure; and the same shall be decided without debate.

4. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment, or as a substitute for the motion or proposition under debate.

Section 4 of this rule is in part a repetition of the constitutional provision prohibiting the amendment of a bill to the extent of changing its original purpose. For a long list of precedents showing amendments that have been held germane and not germane, see Manual 33d Legislature, pp. 548-593, and Vol. V of Hinds' Precedents.

WITHDRAWAL OF AMENDMENTS.—The rule provides that the motion to amend may be withdrawn at any time before a decision or amendment.

PRECEDENCE OF THE MOTIONS TO AMEND.—Amendments reported by a committee are acted on before those offered from the floor, if called up. An amendment from the floor to a committee amendment is in order. The motion to strike out the enacting clause has precedence of the motion to amend, and may be offered while an amendment is pending. (See notes to Section 3 of Rule XII.)

IN ORDER, WHEN?—See Rule 19, all Sections.—Many rulings in point can be found on pages 541 to 548 of Manual, 33rd Legislature.

CONTAINED DEFEATED MATTER.—Mr. Lewelling offered amendment to Senate bill No. 40, changing figures in original bill.

Mr. Savage of Bell raised a point of order on further consideration of amendment on the ground that the House had already defeated an amendment containing identical subject matter. Sustained. (34th Leg., p. 812.)

MUST BE GERMANE.—Amendments to any measure must be germane to the original proposition. For legislative precedents prior to Thirty-fourth Legislature see Manual of Thirty-third Legislature, pages 551 to 561, in which twenty-seven points of order were made that amendments were not germane, twenty-two of them were overruled and five sustained.

Mr. Dayton offered an amendment to House bill No. 1, as follows: "This act shall not apply to Cooke county."

Mr. Griggs raised a point of order that the amendment was not germane to the purposes of the bill. Sustained. (34th Leg., p. 451.)

Mr. Sullivan offered the following amendment to the resolution: Amend H. J. R. No. 9 by striking out "1915" and insert "1925."

Mr. Lewelling raised a point of order that the amendment was not germane to the purpose of the resolution. Sustained. (34th Leg., p. 464.)

Like points of order were sustained as follows: Mr. Maddox, p. 465; Mr. Tillotson, p. 423; Mr. Rich, p. 608; Mr. Rich, p. 236, Journal, First Called Session, 34th Leg. Sustained.

Mr. Maddox made a point of order that the amendment was not germane. Overruled. (34th Leg., p. 202.)

There are many other rulings on this point in the 34th House Journal too numerous to quote.

COMMITTEE AMENDMENTS.—Mr. Stephens offered the "Committee Substitute" for House bill No. 19.

Mr. Burmeister raised a point of order on further consideration of the committee substitute on the ground that under the rules of the House a substitute for an entire bill cannot be offered. Sustained. (34th Leg., p. 736.)

Editor's note.—The matter contained in the "substitute" was then offered as committee amendments, and was adopted. In offering amendments to a bill, the amendments to the body of the bill must be first offered and the amendments to the caption offered last.

Mr. Burgess offered an amendment to the bill which amended both the caption and the body.

Mr. Burmeister raised a point of order on consideration of the amendment on the ground that no amendment to the caption of the bill is in order until all amendments to the body of the bill have been considered and disposed of. Sustained. (34th Leg., p. 407.)

TO EXISTING LAW.—Mr. Maddox offered an amendment to Senate bill No. 23.

Mr. Baker of Hood raised a point of order on further consideration of the bill on the ground that it proposes an amendment to an existing law merely by reference thereto and does not, as is required by Rule XVIII, set forth at length the Act to be amended. Overruled. (34th Leg., First Called Session, p. 332.)

AMENDMENTS TO RULES.—Mr. Bagby offered an amendment to Rule XV under consideration to amend by striking out all of the last paragraph of Section 2 of said rule.

Mr. Cope raised a point of order on consideration of the amendment on the ground that an amendment having the same purpose had been stricken out by the House, and the House had tabled a motion to reconsider the vote by which it was stricken out. Overruled. (35th Leg., p. 70.)

CONGRESSIONAL PRECEDENTS.

An amendment must be germane to the subject which is proposed to be amended.

The motions to postpone, refer, amend, for a recess, and to fix the day to which the House shall adjourn may be amended.

An amendment may not attach to the motion for the previous question or the motions to lay on the table and adjourn when used in the House.

A proposed amendment may not be accepted by the member in charge of the pending measure, but can be agreed to only by the House.

When it is proposed to perfect a paragraph, the motion to insert or strike out, if already pending, must remain in abeyance until the amendments to perfect have been moved and voted on.

It is not in order to offer more than one motion to amend at a time.

Under the later decisions, the principle has been established that an amendment should be germane to the particular paragraph or section to which it is offered.

An amendment inserting an additional section should be germane to the portion of the bill where it is offered.

An amendment germane to a bill as a whole, but hardly germane to any section, may be offered at an appropriate place with notice of motions to strike out following sections which it would supersede.

Both an original proposition and a proposed amendment in the nature of a substitute may be perfected by amendments before the vote is taken on the substitute.

An amendment in the nature of a substitute may be proposed before amendments to the original text have been acted on, but may not be voted on until after such amendments have been disposed of.

When a bill is considered by sections or paragraphs, an amendment in the nature of a substitute is properly offered after the several sections of the bill have been considered separately.

A motion to strike out certain words being disagreed to, it is in order to strike out a portion of those words.

To a motion to insert words in a bill a motion to strike out certain words of the bill may not be offered as a substitute.

If a portion of a proposed amendment be out of order, the whole of it must be ruled out.

A motion to strike out a paragraph pending, and the paragraph then being perfected by an amendment in the nature of a substitute, the motion to strike out necessarily falls.

When it is proposed to amend by inserting a paragraph, it should be perfected by amendment before the question is put on inserting.

When it is proposed to strike out a paragraph, it should be perfected by amendment before the question is put on striking out, although if the motion to strike out fails amendments may still be offered.

A negative vote on a motion to strike out and insert does not prevent the offering of another similar motion or a simple motion to strike out.

Words inserted by amendment may not afterwards be changed, except that a portion of the original paragraph including the words so inserted, may be stricken out if, in effect, it presents a new proposition, and a new coherence may also be inserted in place of that stricken out.

It is in order to insert by way of amendment a paragraph similar (if not actually identical) to one already stricken out by amendment.

After a vote to insert a new section in a bill, it is too late to perfect the section by amendment.

It is not in order to amend an amendment that has been agreed to; but the amendment, with other words of the original paragraph, may be stricken out in order to insert a new text of a different meaning.

While it is not in order to strike out a portion of an amendment once agreed to, yet words may be added to the amendment.

The motion to strike out and insert may not be divided for the vote.

RULE XX.

Of Committees of the Whole House.

1. No appropriation of money shall be made except by bill, and when a bill appropriating money shall be reached or taken up, it shall be in order to move that the House resolve itself into the Committee of the Whole House for the purpose of considering such bill.

2. In forming a Committee of the Whole House the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

3. Upon bills committed to a Committee of the Whole House, the bill shall first be read throughout by the Clerk, and then again be read and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page or line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses before a vote be taken on the question of engrossment.

4. All amendments made to an original motion in Committee of the Whole shall be incorporated with the motion and so reported.

5. In the event that the Committee of the Whole, at any sitting, shall, for want of time, fail to complete the amend-

ments proposed on any bill or resolution under their consideration, or desire to postpone the consideration thereof, it may, on motion made at any time in the meantime, rise, report progress and ask leave to sit again generally, or at a day certain.

6. All amendments made to a report committed to the Committee of the Whole House shall be noted and reported, as in the case of bills.

7. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it was made or offered.

8. No sum or quantum of tax or duty voted by a Committee of the Whole House shall be increased in the House until the motion or proposition for such increase shall first be discussed and voted in a Committee of the Whole House and so in respect to the time of its continuance.

9. All proceedings touching appropriations of money shall be discussed in the Committee of the Whole House.

10. The rules of procedure in the House shall be observed in Committee of the Whole House so far as they may be applicable.

RULE XXI.

Of the Order of Business.

1. The daily order of business shall be as follows:

First—Prayer by the Chaplain.

Second—Excuses for absence of members and officers.

Third—First reading of bills filed with the Chief Clerk, and introduction of bills from the floor and their first reading, and reference of bills to committees.

Fourth—Requests to print bills and other papers; requests of committees for further time to consider papers referred to them and all other routine motions and business not otherwise provided for, all of which shall be made undebatable; but the mover may be allowed to state briefly the nature and purpose of the measure.

Fifth—Resolutions filed with the Chief Clerk, and resolutions offered from the floor, for twenty minutes, if not sooner disposed of.

Sixth—The unfinished business, to be considered until finally disposed of.

Seventh—Disposal of business on the Speaker's table as follows:

(1) Resolutions lying over from the previous day, and Senate concurrent resolutions.

At afternoon session, the Speaker laid before the House Senate Concurrent Resolution No. 1.

Mr. Tillotson raised a point of order on consideration of the resolution on the ground that it is not the regular order of business. Overruled. (35th Leg., p. —.)

(2) Reports of conference committees.

(3) Senate amendments to House bills and resolutions, requests of the Senate for a conference and all matters of disagreement, amendments and requests between the two houses.

(4) Reports of standing and special committees.

(5) Bills on their third reading.

(6) Bills on their second reading.

By the (daily) order of business is meant the seven main items contained in Section 1 of this rule. By the regular order, or the order of the day, as used in the rule relating to reconsideration, is meant the six divisions under the seventh main item of this section.

The rules expressly provide that a rule of the House or the daily order of business may be temporarily suspended for a definite purpose; but this provision is modified by the further provision that the regular order of business, that is, the regular order of disposing of the business on the Speaker's table, cannot be suspended except on Monday, at which time a majority vote only is necessary for such suspension. What is termed the daily calendar is made up in accordance with the order fixed in the seventh item of the first section of this rule.

The Speaker has no option in making out the calendar except the calendar for suspension days. He must place bills before the House in their regular order, and if at recess the next bill to be considered, as appears from the calendar, is House bill No. 29, and if by the time the House reconvenes House bill No. 7 has been received from the printer and has been distributed, it must be considered before House bill No. 29 is laid before the House, although House bill No. 29 may have been on the desks of the members for two weeks before House bill No. 7 was distributed.

Mr. Haxthausen raised the point of order that time for consideration of resolutions had expired. Sustained.

Mr. Sullivan moved to suspend the rule limiting the time for the consideration of resolutions, until the resolution was disposed of.

Mr. Bagby raised the point of order on consideration of the motion to suspend, on the ground that such an extension of time is in effect

a suspension of the regular order, which the rules forbid except on suspension day. Overruled.

The Speaker stating that the motion had the effect only of a temporary suspension, and that the first paragraph of Rule XXII permitted such suspension by a two-thirds vote.

Mr. Watson raised a point of order on consideration of the motion to suspend, on the ground that the resolution being unfinished business is not subject to the rule limiting the time for consideration, and that it should be considered until disposed of. Sustained. (34th Leg., p. 309.)

2. Special orders, after the first five items under the daily order of business have been passed, shall have precedence when the hour for considering the same has arrived, except as provided in Rule XVIII, Section 6, which provides that Senate bills, on Senate bill days, shall have precedence of House bills set as special orders on those days.

Joint Rule No. XXIII provides that the House may not consider House bills on Senate bill days without the consent of the Senate unless there are no Senate bills on the Speaker's table.

3. All questions relating to the priority of business shall be decided by a majority, without debate.

RULE XXII.

Suspension of the Rules and Order of Business and Special Orders.

1. No standing rule or order of the House shall be suspended except by an affirmative vote of two-thirds of the members present; nor shall any other business be considered on days devoted by these rules to and used in consideration of Senate and local bills, except by unanimous consent.

Most of the constitutional provisions that are embodied in the rules of the House are found in Rule XVIII, relating to the consideration of bills. Unlike the rules that are merely rules of the House, these constitutional provisions in the rules of the House cannot be suspended at all unless the Constitution itself specially provides for their suspension.

2. All Democratic platform demands shall have precedence in accordance with their number over all other bills on all days except suspension days, Senate bill days, and local bill afternoons; only demands which refer to certain and definite legislation shall be construed as platform demands, and where any plank or demand of the Democratic platform is in general terms, and does not specify the character of legis-

lation demanded, no bill on any such subject shall be deemed a platform demand.

3. The Speaker shall not entertain a motion to suspend the order of business established by the rules for the purpose of taking up and considering any bill, resolution or other measure out of its regular order except on Monday of each week, and during the first four days of the last six days of the session; *provided, however, that in said last four suspension days it shall require a two-thirds vote to suspend the regular order and take up any measure.* When a request is made to suspend the order of business for taking up any certain bill, the Speaker shall ask if there is any objection. If there is no objection, the bill shall be immediately placed before the House for consideration. If there is objection, the Speaker shall, without debate, after the caption of the bill has been read, put the motion to the House and, if carried by a majority vote, the regular order of business shall be considered suspended for the purpose of taking up and considering said bill, resolution or other measure; *provided, that no member shall be entitled to have more than one bill, resolution or other measure taken up out of its regular order until every other member has had an opportunity to call some bill or measure.* Any measure so taken up under suspension and not disposed of on the same day shall go over as the unfinished business to the next sitting day of the House, and thereafter from day to day (except days devoted to and used in the consideration of Senate bills) until disposed of, but a motion to suspend left pending and undisposed of on one suspension day goes over to the next suspension day as the pending business of that day.

A suspension of the regular order is a suspension of the order for considering the business on the Speaker's table as prescribed in the seventh item of Section 1 of Rule XXI, and such a suspension is in order only on Monday and during the first four of the last six days of the regular session.

4. Any bill, resolution or other measure may on any day be made a special order for a future day of the session by an affirmative vote of two-thirds of the members present, and, when once established as a special order, shall be considered from day to day until disposed of, and until it shall have been disposed of no further special order shall be made.

Section 2 of Rule XXI provides that House bills set as special

orders cannot be considered on Senate bill days. Joint Rule XXIII also provides that House bills cannot be considered by the House on Senate bill days without the consent of the Senate. For this reason a House bill pending as a special order on Senate bill days will not be considered on those days if there are any Senate bills on the calendar.

RULE XXIII.

Of Communications from the Executive and Senate, Conference Reports, Etc.

1. Messages and communications from the Governor shall be received when announced, and at once referred to the appropriate committee without debate.

2. All messages from the Senate shall be received when announced; Senate bills announced as passed shall at once be read and referred to their appropriate committees, and Senate concurrent resolutions shall go to the Speaker's table.

3. Messages from the Senate announcing amendments to House bills and resolutions, non-concurrence in House amendments to Senate bills and resolutions, and requests for conferences, as also all reports of conference committees and all matters of disagreement, amendments and requests, between the two houses, shall go to the Speaker's table in their regular order, but they may be called up for action of the House at any time, except as against a motion to adjourn, or to fix the day to which the House shall adjourn.

Conference Committee's report on House bill No. 7 was under consideration. Mr. Cope raised a point of order on consideration of report, on the ground that the report includes provisions not within the disagreements of the two houses on the bill. Overruled. (34th Leg., p. 1215.)

INSTRUCTING HOUSE CONFEREES.—Mr. Tillotson moved that the House instruct the House conferees on House bill No. 116 to adhere to the provisions of the original bill.

Mr. Haney raised a point of order on consideration of the motion, on the ground that the House had already authorized the appointment of a Conference Committee to be free of instructions. Overruled. (34th Leg., p. 1081.)

RULE XXIV.

Of Petitions and Memorials.

All petitions and memorials shall be filed with the Chief Clerk and referred to committees in accordance with the endorsement of the member offering the same.

RULE XXV.

Of Absentees.

1. No member shall absent himself from the sittings of the House without leave unless in case of sickness. Should any member absent himself without leave for the purpose of impeding the action of the House, such member may be expelled; provided, that before action is taken hereunder the matter shall be referred to the Committee on Privileges, Suffrage and Elections for investigation and report. It shall require a two-thirds vote of the members present to excuse absentees, and no member shall be excused upon his own motion.

2. The names of absentees shall appear upon the Journal.

Leaves of absence are granted members for a specified time or indefinitely, on account of sickness, important business, or important work for the House, such as committee work. The motion to excuse a member from attendance must state the time and reason of the absence.

Leaves of absence may be revoked at any time by a majority vote of the House.

RULE XXVI.

Of Witnesses.

The rule for paying witnesses summoned to appear before the House, or any of its committees, shall be as follows: For each day a witness shall attend, the sum of \$2.00 and for coming to or going from the place of examination he shall receive actual and necessary expenses, and \$2.00 for each day which is necessarily consumed in going to and returning from said place of examination; but nothing shall be paid for traveling home when the witness was at the place of trial when summoned. The certificate of the chairman of the committee before which a witness is summoned, of the amount due such witness, shall be sufficient authority for the same to be paid.

This rule was not adhered to in the Thirty-fifth Legislature (regular session), the resolution appointing the committee to investigate charges against the Governor, fixing the rules the same as apply to district courts. \$1.00 per day and actual traveling expenses being paid witnesses, as in civil cases.—Editor's note.

RULE XXVII.**Of Admission to the House.**

1. The persons hereinafter named, and none other, shall be admitted to the Hall of the House when the House is in session, viz.: The members and employes of the House; Senators and employes of the Senate; the Governor and his private secretary; the Lieutenant Governor; the President and Vice President of the United States; United States Senators and members of Congress; Governors of other States; judges of the Supreme Court and Courts of Criminal and Civil Appeals; the heads of all State departments, and contestants in election cases, pending their contests in the House.

2. Reporters of newspapers shall be assigned appropriate and convenient seats in the House by direction of the Speaker.

3. Provided, that no newspaper reporter, or any person whomsoever, whether a State officer or not, except the Governor, who is lobbying or working for or against any pending or prospective legislative measure, shall in any event, be permitted upon the floor of the House, or the rooms leading thereto, when the House is in session; nor shall any newspaper reporter or correspondent, whose salary or compensation is paid in whole or in part by any person, firm, corporation or association other than the paper or papers for which he reports, or represents, be admitted into the Hall or the rooms leading thereto when the House is in session. And any person who has appeared before any committee for or against any measure pending or that has been before this House shall come within this rule.

4. Every newspaper reporter and correspondent, before being admitted to the House during its session, shall file with the Speaker a written statement showing the paper or papers which he represents, and certifying that no part of his salary or compensation is paid by any person, firm, corporation or association except the paper or papers which he represents.

5. It shall not be in order for the Speaker to entertain a request, motion or resolution for the suspension of this rule, or to present from the chair the request of any member for unanimous consent.

The Speaker, under the provisions of this section, has repeatedly

held resolutions to extend the privileges of the floor to former members of the Legislature and others out of order.

6. It shall be the duty of the Sergeant-at-Arms and his assistant to clear the Hall of all persons not entitled to the privilege thereof five minutes before the hour of the meeting.

7. Provided, that this rule shall not be construed to prevent any citizen from appearing before any of the committees of the House when in session. And provided, further, that this rule shall not apply during the inauguration of the Governor, and other public ceremonies provided for by resolution of the House. And it is further provided that no motion shall be in order to invite any person to address this House while it is in session, except those entitled to the privileges of the floor as defined by Section 1 of this rule.

8. Solicitors and collectors shall not be admitted to the House during its sessions.

RULE XXVIII.

Amendments to the Rules.

No standing rule or order of the House shall be rescinded or changed except by an affirmative vote of two-thirds of the members present. All propositions to rescind any rule or order shall be by resolution, to be at once referred, without debate, to the Committee on Rules, and reported therefrom within three days.

This rule relates only to proposed permanent changes in the Rules and does not prevent a temporary suspension as provided for in Rule XXII.

The Committee on Rules are privileged to report a proposition referred to them at any time within three days.

RULE XXIX.

When Rules are Silent.

On any question of order or parliamentary practice where these rules are silent or inexplicit, Jefferson's Manual and the Digest of the Rules and Practice of the United States House of Representatives shall be considered as authority.

The Digest of the Rules and Practice of Congress referred to in the above rule is Hinds' Precedents, to which the citations in the House Manual and Digest of the National Congress refer.

PROGRESS OF A HOUSE BILL.

1. INTRODUCTION.

Bills may be filed with the Chief Clerk or offered from the floor. In either event they are numbered and are then read by the Reading Clerk. This is called the first reading (which is by caption only), and the only action that can be taken at this stage is to refer it to the proper committee.

2. REFERENCE TO A COMMITTEE.

The Speaker refers a bill, after its first reading, to the Committee to which, in his judgment, it should go under the rules. But sometimes, if there is no objection, the author of the bill has it referred to a committee of which he is chairman or a member or thinks most favorable to the measure.

3. REPORTED FROM THE COMMITTEE.

Committees may report any time by filing their reports with the Chief Clerk. The formal committee reports are printed in the Journal. Committees must report all bills within six days, unless the House consents to further consideration.

4. WHEN PRINTED.

All bills with a favorable report are printed, unless otherwise ordered.

5. PLACED ON THE CALENDAR.

When a bill has been favorably reported and printed (or ordered not printed after a favorable report), it is automatically on the calendar. Likewise a bill with an unfavorable report goes on the calendar if ordered printed by the House.

6. CONSIDERATION.

General bills that are on the calendar come up for consideration in their numerical order unless (a) taken up on suspension days, (b) by unanimous consent, or (c) made special order. Local bills are considered in their regular order Wednesdays and Thursdays after 4:30 o'clock p. m., or may be taken up on suspension days or made special orders, or by unanimous consent.

7. THE SECOND READING.

The first consideration that a bill is given in the House is at its second reading—i. e., when it is on its passage to engrossment. When a bill is placed before the House for its second reading it should be, and usually is, read in full. After the bill has been read it is subject to debate and amendment under the rules of the House. If a bill fails of passage to engrossment it is defeated and can only be revived on a motion to reconsider made by the proper person and within the proper time and adopted by the House. A bill having been “engrossed” by the House, is sent to the Engrossing Clerk, where it is rewritten with all amendments properly inserted. The Committee on Engrossed Bills, after comparing the engrossed copy with the original bill and amendments and finding it correctly engrossed, so report to the House. It then comes before the House on its third reading and final passage. The Committee on Engrossed Bills has the authority to correct apparent errors, and especially so with reference to style, orthography and punctuation.

8. THIRD READING.

When a bill has been read a third time it is on its “final passage.” All bills must be read on three several days except those carrying an emergency clause, when, by a four-fifths vote of those present, this constitutional rule may be suspended. (See Rule 18, Sec. 9.) A bill may be debated on its third reading and amended by a two-thirds vote. A majority vote of those present and voting, a quorum being present, is sufficient to “pass a bill” on final passage, but it requires a two-thirds vote of the entire House to put it into immediate effect, and only then when it has a proper emergency clause.

9. TRANSMISSION TO THE SENATE.

After a bill has finally passed the House, the Chief Clerk transmits it to the Senate. The bill is accompanied by a written message, signed by the Chief Clerk in his official capacity. If the bill has been amended on its final passage, the clerk indicates it by stating that the bill has passed with an “engrossed rider.”

10. IN THE SENATE.

House bills, when received in the Senate, are read, and referred to the proper committee by the President of the Senate. When reported from the committee, substantially the same procedure is had as in the House. It may be amended as the Senate sees fit.

11. RETURN OF A BILL TO THE HOUSE.

When a House bill has finally passed the Senate, the Secretary of the Senate by message informs the House. If the bill has been amended the message adds "with accompanying Senate amendments." If there are no Senate amendments, the bill is sent to the Enrolling Clerk, where it is enrolled and is not again laid before the House until it is to be signed.

12. HOUSE BILLS WITH SENATE AMENDMENTS.

House bills that have been amended in the Senate, when received from the Senate, go to the Speaker's table. These are considered as privileged and are usually called up by the author of the bill or the member having it in charge. The Senate amendments should be read and may be considered as a whole or separately. The House may agree or disagree to all of them or a part of them or may amend the Senate amendments. The Senate is notified by the Chief Clerk of the decision of the House, whatever it may be. If the House has agreed to a part of the amendments and disagreed to the others, the Senate may recede from the objectionable amendments. This would end the matter and receiving this information, the House would enroll the bill. If the House amends the Senate amendments, the Senate could agree to the House amendment to the Senate amendments, and that would also end the matter. Should the Senate adhere to its position, the bill would fail, unless the House agreed to the Senate amendments or the differences were settled in conference.

13. IN CONFERENCE COMMITTEE.

Where no agreement can be reached, the usual course is to refer the bill to a Conference Committee. In this the House takes the initiative. This is done by a simple motion "to disagree to Senate amendments to House bill

No. — and ask for a Conference Committee.” If agreed to, this action is reported to the Senate, and if the Senate agrees to the appointment of the committee, the bill with Senate amendments goes to the Conference Committee.

14. SETTLEMENT OF DIFFERENCES.

Having been appointed, the Conference Committee convenes and proceeds to consider the differences between the two houses. Unless the text of the bill has been changed by the Senate, only such matters as are in disagreement can be considered by the committee, and it has no authority to bring in a new bill without instructions by both houses so to do. If the House has adopted part of the Senate amendments before the appointment of the committee, those agreed to become a part of the bill and cannot be considered by the conference. The conference having agreed, the report is made to each house, and if agreed to by both houses the bill is sent to the enrolling room.

15. ENROLLMENT.

House bills are enrolled with a typewriter, but no erasures or interlineations are permitted. Where corrections are necessary they can only be made by a joint resolution directing the Enrolling Clerk to make them.

16. EXAMINATION BY THE COMMITTEE ON ENROLLED BILLS.

If this committee finds that the bill has been correctly enrolled, the chairman makes a report to that effect, which is printed in the Journal.

17. SIGNING BY THE SPEAKER AND PRESIDENT OF THE SENATE.

The enrolled bill is first read by caption to the House, after which it is signed by the Speaker. The chairman or some member of the Committee on Enrolled Bills then takes it to the Senate, where, after it has been read by caption to the Senate, it is signed by the President of the Senate.

18. TRANSMITTAL TO THE GOVERNOR.

After the bill has been signed by the Speaker of the House and the President of the Senate, the chairman

of the Committee on Enrolled Bills, or some member acting for him, carries the bill to the Governor and delivers it to him or his private secretary. This action is reported to the House and is included in the report made to the House that the bill has been properly enrolled.

19. APPROVED BY THE GOVERNOR.

If the Governor disapproves the bill he must do so within ten days, exclusive of Sundays, after it has been delivered to him, unless the date of the delivery was within ten days of the final adjournment of the House. In that event, he has twenty days, including Sundays, to sign the bill or disapprove it. If he disapproves the bill after the session has adjourned, he files it with the Secretary of State, together with his reasons for disapproving it. If he disapproves a bill while the Legislature is in session, he must refer it to the House in which it originated with a message stating that he disapproves the bill and giving his reasons therefor. A bill not signed or disapproved by the Governor within the time prescribed becomes a law automatically.

21. ACTION ON A BILL VETOED BY THE GOVERNOR.

When the House receives a bill disapproved by the Governor, the message is read and spread on the Journal. The House may consider the question of passing the bill, notwithstanding the Governor's objections at once, or may postpone action to a day certain, or refer the bill and message to a committee. The vote for passing the bill, notwithstanding the Governor's objections must be carried by two-thirds of those present, whether all of them vote or not. If the bill fails to pass notwithstanding the Governor's veto, it "dies," and no further action can be taken unless upon a reconsideration. If the bill receives a two-thirds vote of those present, it is sent to the Senate, accompanied by a proper certificate from the Speaker and Chief Clerk that it passed the House notwithstanding the Governor's objections.

22. ACTION IN THE SENATE.

When a bill which has been vetoed by the Governor and passed by the House has been received in the Senate,

the Senate may consider it at once, or may postpone it to a day certain, or may refer it to a committee. It requires a two-thirds vote in the Senate of those present to pass a bill over the Governor's objections. If passed by the Senate notwithstanding the Governor's objection, the Secretary of the Senate, after the proper endorsement has been made, under the direction of the President of the Senate, transmits the bill to the Secretary of State and should receive his receipt therefor, which should be printed in the Senate Journal.

FORMS.

FORM OF THE FORMAL REPORT OF A STANDING COMMITTEE.

COMMITTEE ROOM,

AUSTIN, TEXAS,, 1917.

Hon....., Speaker of the House of Representatives.

SIR: Your Committee on, to whom was referred bill No., have had the same under consideration at a session of the committee, and I am instructed to report it back to the House with the recommendation that it do pass. [If any amendments are recommended, add, "with committee amendments."]

Mr. has been appointed to make a full report on the bill.

....., Chairman.

NOTE.—The formal report of a committee must be made in duplicate, as it must be printed both in the Journal and in bill form. Only one copy of the full report is necessary.

FORM OF THE FULL REPORT OF A STANDING COMMITTEE.

COMMITTEE ROOM,

AUSTIN, TEXAS,, 1917.

Hon., Speaker of the House of Representatives.

SIR: Having been appointed by your Committee on to make a full report on bill No., I beg leave to report as follows:

[Give the statement required in Section 4 of Rule 8, and don't repeat the caption of the bill in full.]

.....

FORM OF MINORITY REPORT OF A STANDING COMMITTEE.

COMMITTEE ROOM,

AUSTIN, TEXAS,, 1917.

Hon., Speaker of the House of Representatives.

SIR: We, a minority of your Committee on, to whom was referred bill No., beg

leave to differ with the majority and recommend that the bill do pass. [If any amendments, add, "with the following amendments," stating the amendments in full, or any other statement desired.]

.....

FORM OF REPORT OF CONFERENCE COMMITTEE.

COMMITTEE ROOM,
AUSTIN, TEXAS,, 1917.

*Hon., President of the Senate, and Hon.
....., Speaker of the House of Representatives.*

SIRS: We, your Conference Committee appointed by your respective bodies to consider the amendments of the..... to bill No., have had the same under consideration and beg to report [stating the agreement reached, or, if the committee could not agree, so stating].

[Signatures of Senate Committee],

On part of the Senate.

[Signatures of House Committee],

On part of the House.

NOTE.—A report of a conference committee must be made in triplicate, a copy for each of the journals of the two houses and a copy to remain with the bill for enrollment.